

THE HONORABLE BRIAN A. TSUCHIDA

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

CHRISTOPHER J. HADNAGY, an  
individual; and SOCIAL-ENGINEER,  
LLC, a Pennsylvania limited liability  
company,

Plaintiffs,

v.

JEFF MOSS, an individual; DEF CON  
COMMUNICATIONS, INC., a Washington  
corporation; and DOES 1-10; and ROE  
ENTITIES 1-10, inclusive,

Defendants.

No. 2:23-cv-01932-BAT

**SUPPLEMENTAL  
DECLARATION OF MATTHEW  
J. MERTENS IN SUPPORT OF  
DEFENDANTS' MOTION TO  
EXTEND DEADLINES AND  
CONTINUE TRIAL**

NOTED FOR CONSIDERATION:  
November 15, 2024

1 I, Matthew J. Mertens, declare and state as follows:

2 1. I am a partner at Perkins Coie LLP, and I serve as counsel for  
3 Defendants Def Con Communications, Inc. (“Def Con”) and Jeff Moss (“Defendants”)  
4 in the above-entitled action. I submit this supplemental declaration in support of  
5 Defendants’ motion to continue deadlines in the scheduling order and continue trial.

6 2. The information contained in this declaration is true and correct to the  
7 best of my knowledge, and I am of majority age and competent to testify about the  
8 matters set forth herein.

9 3. After extensive negotiation, Defendants agreed to review 29,176  
10 documents based on Plaintiffs’ proposed search terms.

11 4. Defendants agreed to conduct this review even though this volume of  
12 documents was wildly disproportionate to the likelihood of finding responsive  
13 documents. Def Con had minimal written communications regarding Mr. Hadnagy’s  
14 ban, and Def Con identified and produced the key internal discussion regarding Mr.  
15 Hadnagy’s ban months ago.

16 5. Defendants incurred many thousands of dollars and spent dozens of  
17 hours reviewing Plaintiffs’ proposed search terms for responsive documents, and  
18 Defendants produced all responsive documents identified from this review that had  
19 any possible relevance to this dispute. To avoid dumping huge amounts of irrelevant  
20 data on Plaintiffs, Defendants intentionally did not produce the thousands of  
21 documents hitting on “Hadnagy” and/or “Social-Engineer” with no possible relevance  
22 to this dispute. I told counsel for Plaintiffs as much during conferral.

23 6. On November 12, 2024, Plaintiffs served 15 new discovery requests on  
24 Defendants that sought the production of all documents hitting on specified search  
25 terms. A true and correct copy of Plaintiffs’ new requests for production is attached  
26 as **Exhibit 1**.

1           7.     There are 11,205 documents hitting on these search terms, and  
2 Defendants have already reviewed these documents in a variety of ways and  
3 determined they are not responsive and not relevant to any fact in dispute. Moreover,  
4 Plaintiffs' most recent document requests render Defendants' significant previous  
5 efforts and expense to apply search terms and review responsive documents a waste  
6 of time.

7           8.     Attached as **Exhibit 2** is a true and correct copy of an October 2, 2024,  
8 email from my colleague Jake Dean to counsel for Plaintiff.

9           9.     Attached as **Exhibit 3** is a true and correct copy of an October 3, 2024,  
10 email that I wrote to counsel for Plaintiff.

11          10.    Attached as **Exhibit 4** is a true and correct copy of an October 10, 2024,  
12 email that I wrote to counsel for Plaintiff.

13          11.    Attached as **Exhibit 5** is a true and correct copy of an October 25, 2024,  
14 email that I wrote to counsel for Plaintiff.

15          12.    Attached as **Exhibit 6** is a true and correct copy of an October 29, 2024,  
16 email that I wrote to counsel for Plaintiff.

17          13.    Defendants have served seven third-party subpoenas for documents and  
18 have taken six third-party depositions while waiting for Plaintiffs to complete their  
19 document production.

20  
21 Dated: November 14, 2024

22  
23 s/Matthew J. Mertens

24 Matthew J. Mertens

# Exhibit 1

The Honorable Brian A. Tsuchida

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

CHRISTOPHER J. HADNAGY, an  
individual; and SOCIAL-ENGINEER, LLC,  
a Pennsylvania limited liability company,

Plaintiffs,

v.

JEFF MOSS, an individual; DEF CON  
COMMUNICATIONS, INC., a  
WASHINGTON corporation; and DOES 1-  
10; and ROE ENTITIES 1-10,

Defendants.

No. 2:23-cv-01932-BAT

**PLAINTIFFS' THIRD SET OF  
INTERROGATORIES AND REQUESTS  
FOR PRODUCTION TO DEFENDANTS  
JEFF MOSS AND DEF CON  
COMMUNICATIONS, INC.**

**TO: DEFENDANTS JEFF MOSS AND DEF CON COMMUNICATIONS, INC.  
("DEF CON")**

**AND TO: DEFENDANTS' COUNSEL**

1. Pursuant to Federal Rules of Civil Procedure ("Rules") 26, 33, and 34, you are required to answer the following interrogatories and requests for production separately and fully, in writing and under oath, and to serve the answers and responses on the undersigned counsel for Plaintiff within ten (30) days or within the time frame provided by court order after service hereof.

PLAINTIFFS' THIRD SET OF INTERROGATORIES AND  
REQUESTS FOR PRODUCTION TO DEFENDANTS JEFF  
MOSS AND DEF CON COMMUNICATIONS, INC.- 1

**FREY BUCK**  
1200 FIFTH AVENUE, SUITE 1900  
SEATTLE, WA 98101  
P: (206) 486-8000 F: (206) 902-9660

1           2.       Objections to interrogatories and requests for production should be explained with  
2 particularity, and all factual and legal reasons supporting the objections are to be listed. If you  
3 object to answering any part of any interrogatory or request for production, specify the part to  
4 which you object and answer the remainder.

5           3.       In responding to these requests, you are to furnish all information, documents, and  
6 things available to you, including information and documents in the possession or control of your  
7 investigators, agents, representatives, attorneys, investigators for your attorneys, and any other  
8 persons acting on your behalf.

9           4.       If any of the interrogatories cannot be answered in full, please answer to the  
10 extent possible and specify the reason for your inability to answer the remainder. If you need  
11 more space in which to state your answers, you may attach additional pages.

12           5.       Each request for production seeks responsive electronic documents, files, and  
13 other data, in addition to any “hard” or paper copies.   RESPONSIVE ELECTRONIC  
14 DOCUMENTS IN YOUR POSSESSION, CUSTODY, OR CONTROL MUST BE PROVIDED  
15 IN NATIVE FORMAT, IN ADDITION TO ANY “HARD” OR PAPER COPIES OF THE  
16 SAME DOCUMENT.   PDFs OR OTHER IMAGES OF ELECTRONIC DOCUMENTS IN  
17 LIEU OF THE NATIVE DOCUMENTS ARE NOT ACCEPTABLE.

18           6.       These requests are to be treated as continuing. If information is not available  
19 within the time limit for response, you must answer each interrogatory as fully as possible within  
20 the time limit and furnish additional information when it becomes available. You have a duty  
21 pursuant to Rule 26(e) to reasonably supplement and amend your responses.

22           7.       If in responding or failing to respond to discovery requested herein you invoke or  
23 rely upon any privilege or protection of any kind, please state specifically the nature of the

1 privilege or protection and the basis on which you invoke, rely, or claim it, and identify all  
2 documents or other information you believe to be embraced by the privilege or protection in a  
3 manner that, without revealing information itself privileged or protected, will enable other parties  
4 to assess the applicability of the privilege or protection.

### 5 **DEFINITIONS**

6 1. The term “document” or “documents” as used in these interrogatories is meant to  
7 coincide with the use of that term in Fed. R. Civ. P. 34, and is intended to include all written or  
8 graphic material, however produced or reproduced, of every kind and description, including but  
9 not limited to the original and any copy, regardless of origin or location, of any books,  
10 pamphlets, periodicals, letters, memoranda, telegrams, emails, text messages, reports, records,  
11 studies, handwritten notes, maps, drawings, working papers, charts, papers, graphs, indexes,  
12 tapes, data sheets, data-processing cards, computer print-outs, photographs, movies or any other  
13 written, recorded, transcribed, punched, taped, filmed, photographic, electronic or graphic  
14 matter, however produced or reproduced, to which you have or have had any access.

15 2. “COMMUNICATION” means any exchange or transmission of words or ideas to  
16 another person or entity, whether accomplished person to person, by telephone, in writing, via  
17 electronic mail or through another medium (e.g., text messages, Google+, WhatsApp, SMS,  
18 Slack, Signal, Twitter, Instagram, LinkedIn, Snapchat, Facebook Messenger, etc.), and shall  
19 include, without limitation, messages, discussions, conversations, negotiations, conferences,  
20 meetings, speeches, memoranda, letters, calendar events, correspondence, notes, and statements  
21 or questions.

22 3. “RELATING TO” means, in whole or in part, reflecting, regarding, related to,  
23 concerning, in connection with, involving, supporting, addressing, analyzing, constituting,

1 containing, commenting on, discussing, describing, identifying, referring to, reporting on,  
2 stating, dealing with, or in any way pertaining to.

3 4. The term “identify” as used in these interrogatories with reference to a document  
4 means to state the date, author, type of document or some other means of identifying it and its  
5 present location or custodian. If any such document was but is no longer in your possession or  
6 subject to your control, state what disposition was made of it.

7 5. The terms “identify”, or “identity” as used in these interrogatories with reference  
8 to an individual person means to state his or her full name, present address, telephone number,  
9 present or last known position and business affiliation and his or her position and business  
10 affiliation at the time in question.

11 6. The term “specific,” “specify” and “specifically” or “detail” as used in these  
12 interrogatories means precisely, exactly, or definitely, setting forth in detail the precise and exact  
13 sequence of events or transactions entailed in the occurrence which is the subject of the  
14 interrogatory.

15 7. The term “you” shall include, in addition to the named defendants, their attorneys,  
16 agents, servants, employees, representatives, volunteers, goons, private investigators and others  
17 who are in possession of or who may have obtained information for or on behalf of the named  
18 party or parties.

19 8. The term "goon" will have the same meaning and usage as described by Jeff Moss  
20 during his deposition on July 31, 2024, and as it is used by Def Con.



**DISCOVERY REQUESTS**

**INTERROGATORY NO. 12:** Explain the basis for any answer to a Request for Admission propounded on you in this litigation that is not an unequivocal admission.

**RESPONSE:**

**REQUEST FOR PRODUCTION NO. 41:** Produce all documents identified in your search term report (attached as Exhibit A) that contain a positive hit for the search term “Bill Cosby.”

**RESPONSE:**

**REQUEST FOR PRODUCTION NO. 42:** Produce all documents identified in your search term report (attached as Exhibit A) that contain a positive hit for the search term “Def Con and ban.”

**RESPONSE:**

**REQUEST FOR PRODUCTION NO. 43:** Produce all documents identified in your search term report (attached as Exhibit A) that contain a positive hit for the search term “harass\*.”

**RESPONSE:**

**REQUEST FOR PRODUCTION NO. 44:** Produce all documents identified in your search term report (attached as Exhibit A) that contain a positive hit for the search term “Harvey Weinstein.”

**RESPONSE:**

**REQUEST FOR PRODUCTION NO. 45:** Produce all documents identified in your search term report (attached as Exhibit A) that contain a positive hit for the search term “lawsuit\*.”

1           RESPONSE:

2           **REQUEST FOR PRODUCTION NO. 46:** Produce all documents identified in your search  
3 term report (attached as Exhibit A) that contain a positive hit for the search term “Jake  
4 Applebaum.”

5           RESPONSE:

6           **REQUEST FOR PRODUCTION NO. 47:** Produce all documents identified in your search  
7 term report (attached as Exhibit A) that contain a positive hit for the search term “[REDACTED] or  
8 [REDACTED]”

9           RESPONSE:

10           **REQUEST FOR PRODUCTION NO. 48:** Produce all documents identified in your search  
11 term report (attached as Exhibit A) that contain a positive hit for the search term “pedophile.”  
12

13           RESPONSE:

14           **REQUEST FOR PRODUCTION NO. 49:** Produce all documents identified in your search  
15 term report (attached as Exhibit A) that contain a positive hit for the search term “serial sexual  
16 predator.”

17           RESPONSE:

18           **REQUEST FOR PRODUCTION NO. 50:** Produce all documents identified in your search  
19 term report (attached as Exhibit A) that contain a positive hit for the search term “strippers.”  
20

21           RESPONSE:

1 **REQUEST FOR PRODUCTION NO. 51:** Produce all documents identified in your search  
2 term report (attached as Exhibit A) that contain a positive hit for the search term “Wyler and  
3 Chris.”

4 RESPONSE:  
5

6 **REQUEST FOR PRODUCTION NO. 52:** Produce all documents identified in your search  
7 term report (attached as Exhibit A) that contain a positive hit for the search term “Transparency  
8 Report.”

9 RESPONSE:

10 **REQUEST FOR PRODUCTION NO. 53:** Produce all documents identified in your search  
11 term report (attached as Exhibit A) that contain a positive hit for the search term “Marquis OR  
12 Boire OR Marquis Boire.”

13 RESPONSE:  
14

15 **REQUEST FOR PRODUCTION NO. 54:** Produce all documents identified in your search  
16 term report (attached as Exhibit A) that contain a positive hit for the search term “John Draper  
17 OR Draper OR Captain Crunch.”


18 RESPONSE:

19 **REQUEST FOR PRODUCTION NO. 55:** Produce all documents identified in your search  
20 term report (attached as Exhibit A) that contain a positive hit for the search term “[REDACTED].”

21 RESPONSE:  
22  
23

1 DATED this 12th day of November, 2024.

2  
3  
4 **FREY BUCK**

5 By:   
6 Ted Buck, WSBA #22029  
7 Mark Conrad, WSBA #48135  
8 1200 5<sup>th</sup> Avenue, Suite 1900  
9 Seattle, Washington 98101  
10 *Counsel for Plaintiffs Christopher Hadnagy and*  
11 *Social-Engineer, LLC.*  
12  
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15  
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20  
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23

**CERTIFICATE OF SERVICE**


The undersigned certifies under the penalty of perjury according to the laws of the United States and the State of Washington that on this date I caused to be served in the manner noted below a copy of this document entitled **PLAINTIFFS' THIRD SET OF INTERROGATORIES AND REQUESTS FOR PRODUCTION TO DEFENDANTS JEFF MOSS AND DEF CON COMMUNICATIONS INC.,** on the following individuals:

**Attorneys for Defendants**

David Perez, WSBA #43959  
 Matthew J. Mertens (Pro Hac Vice)  
 Lauren A. Trambley (Pro Hac Vice)  
 Jacob (Jake) Dean (Pro Hac Vice)  
 Perkins Coie LLP  
 1201 Third Avenue, Suite 4900  
 Seattle, Washington 98101  
[dperez@perkinscoie.com](mailto:dperez@perkinscoie.com)  
[mmertens@perkinscoie.com](mailto:mmertens@perkinscoie.com)  
[ltrambley@perkinscoie.com](mailto:ltrambley@perkinscoie.com)  
[jacobdean@perkinscoie.com](mailto:jacobdean@perkinscoie.com)

☐ Via USPS  
☒ Via Electronic Mail  
☐ Via Electronic Filing (CM/ECF)

DATED this 12th day of November 2024 at Seattle, Washington.

  
 Amber Holmes, Legal Assistant

# Exhibit 2

**From:** [Dean, Jacob \(WDC\)](#)  
**To:** [mconrad@freybuck.com](mailto:mconrad@freybuck.com); [english@freybuck.com](mailto:english@freybuck.com); [tbuck@freybuck.com](mailto:tbuck@freybuck.com); [aholmes@freybuck.com](mailto:aholmes@freybuck.com)  
**Cc:** [Perez, David A. \(SEA\)](#); [Mertens, Matthew \(POR\)](#); [Trambley, Lauren \(SFO\)](#)  
**Subject:** RE: Social Engineer Initial STR  
**Date:** Wednesday, October 2, 2024 11:36:22 AM

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Hi Mark,

We are reaching out to extend the rebuttal expert deadline from October 14 to **November 14** for two reasons.

**First**, Mr. Thomas's report is incomplete and references documents that either do not exist or have not been produced by Plaintiffs, so it doesn't make sense to move forward with Mr. Thomas's deposition until we have these documents. Specifically, we have identified the following document issues:

1. CONFIDENTIAL-Hadnagy 2016 Tax Returns.pdf (SE\_001674). This is only a statement of Mr. Hadnagy's real estate taxes, not his personal tax return. **We need the 2016 tax return referenced in the report.**
2. CONFIDENTIAL-Hadnagy 2018 Tax Returns.pdf (SE\_001714). This is for the White Hat Defense entity, not Mr. Hadnagy's personal tax return. **We need the 2018 tax return referenced in the report.**
3. CONFIDENTIAL-Hadnagy 2021 Tax Returns.pdf (SE\_000739). This is an e-filing document that shows how much Mr. Hadnagy paid in taxes. It is not Mr. Hadnagy's actual person tax return. **We need the actual 2021 tax return.**
4. CONFIDENTIAL-Hadnagy 2023 Tax Returns.pdf (SE\_000786). This is only a draft of Mr. Hadnagy's personal tax returns. **We need the final copy that was filed.**
5. Internally prepared balance sheets for Social-Engineer LLC from 2017 to 2023. **This is responsive to RFP No. 6 and has not been produced.**
6. Internally prepared balance sheets for SE Village LLC from 2017 to 2023. **This is responsive to RFP No. 6 and has not been produced.**
7. All supporting information for the market approach used in the Thomas Report. Specifically, information outlining the 14 transactions selected and the screening criteria used. **This is responsive to RFP No. 6 and has not been produced.**
8. Tax Returns for SEVillage LLC & Social-Engineer LLC (Schedule C) from 2018, 2021, and 2023. **This is responsive to RFP No. 6 and has not been produced.**
9. Any documentation regarding intangible assets and/or value. **This is responsive to RFP No. 6 and has not been produced.**

**Second**, even if we had all of the above-referenced documents, we still have not received dates for Mr. Thomas's deposition the first week of October as we requested in September, so at this point, we likely will not have enough time to notice this deposition, depose him, and receive a transcript prior to the rebuttal expert report date of October 14.

Extending the deadline by a month should give us enough time to work through some of these issues and schedule Mr. Thomas's deposition prior to the discovery and *Daubert* cutoffs. At some point, we will need to confer about the overall schedule given the state of document productions

and the upcoming holidays. For instance, we need a full production to depose both Mr. Hadnagy and his wife.

Let us know if you have any questions or if you want to jump on a call to discuss.

Thanks,

**Jake Dean**  
COUNSEL

**Perkins Coie**

700 Thirteenth Street, N.W. Suite 800  
Washington, DC 20005-3960  
[+1.202.654.3396](tel:+12026543396)  
[jacobdean@perkinscoie.com](mailto:jacobdean@perkinscoie.com)  
[perkinscoie.com](http://perkinscoie.com)

---

**From:** Mertens, Matthew (POR) <[MMertens@perkinscoie.com](mailto:MMertens@perkinscoie.com)>  
**Sent:** Tuesday, October 1, 2024 7:19 PM  
**To:** Dean, Jacob (WDC) <[JacobDean@perkinscoie.com](mailto:JacobDean@perkinscoie.com)>  
**Cc:** Perez, David A. (SEA) <[DPerez@perkinscoie.com](mailto:DPerez@perkinscoie.com)>; Trambley, Lauren (SFO) <[LTrambley@perkinscoie.com](mailto:LTrambley@perkinscoie.com)>  
**Subject:** FW: Social Engineer Initial STR

---

**From:** Mark Conrad <[mconrad@freybuck.com](mailto:mconrad@freybuck.com)>  
**Sent:** Thursday, September 26, 2024 10:11 PM  
**To:** Mertens, Matthew (POR) <[MMertens@perkinscoie.com](mailto:MMertens@perkinscoie.com)>  
**Cc:** Perez, David A. (SEA) <[DPerez@perkinscoie.com](mailto:DPerez@perkinscoie.com)>; [Kristofer@rikliislaw.com](mailto:Kristofer@rikliislaw.com); Trambley, Lauren (SFO) <[LTrambley@perkinscoie.com](mailto:LTrambley@perkinscoie.com)>; Lauren English <[lenglish@freybuck.com](mailto:lenglish@freybuck.com)>; Ted Buck <[tbuck@freybuck.com](mailto:tbuck@freybuck.com)>; Amber Holmes <[aholmes@freybuck.com](mailto:aholmes@freybuck.com)>  
**Subject:** RE: Social Engineer Initial STR

I'll look for additional dates in October.

Can you provide some dates to complete Mr. Moss's deposition?

Also, we should also agree on how to handle the future filing of documents you've marked as confidential.

**Mark R. Conrad | Attorney**

**Frey Buck**  
1200 Fifth Avenue, Ste. 1900



Seattle, WA 98101  
206-486-8000, Ext. 805  
206-902-9660 (Fax)  
[www.freybuck.com](http://www.freybuck.com)

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---

**From:** Mertens, Matthew (Perkins Coie) <[MMertens@perkinscoie.com](mailto:MMertens@perkinscoie.com)>  
**Sent:** Thursday, September 26, 2024 5:08 PM  
**To:** Mark Conrad <[mconrad@freybuck.com](mailto:mconrad@freybuck.com)>  
**Cc:** Perez, David A. (Perkins Coie) <[DPerez@perkinscoie.com](mailto:DPerez@perkinscoie.com)>; [Kristofer@riklistlaw.com](mailto:Kristofer@riklistlaw.com); Trambley, Lauren (Perkins Coie) <[LTrambley@perkinscoie.com](mailto:LTrambley@perkinscoie.com)>; Lauren English <[lenglish@freybuck.com](mailto:lenglish@freybuck.com)>; Ted Buck <[tbuck@freybuck.com](mailto:tbuck@freybuck.com)>; Amber Holmes <[aholmes@freybuck.com](mailto:aholmes@freybuck.com)>  
**Subject:** RE: Social Engineer Initial STR

Hey, Mark—agreed with not needing to provide a privilege log for communications between your firm and your client. That’s eminently reasonable, and we’ll follow suit.

Looks like on the STR that the individual client names (Bank of America, etc.) are still the hit count outliers, so just re-flagging that all we’re looking for there are (1) the contracts themselves, and (2) communications related to the termination of these contracts. We have no expectation that you’re otherwise reviewing those documents for responsiveness.

Regarding the expert depo, does your expert have any dates in the first or second week of October?

Our ESS team is at an offsite conference so their responses will be delayed, but I’ll ping Ken regarding the updated STR and hope to have it for you by EOD tomorrow.

Thanks,

**Matt Mertens**  
**PARTNER**

**Perkins Coie**

1120 N.W. Couch Street Tenth Floor  
Portland, OR 97209-4128  
[+1.503.727.2199](tel:+15037272199)  
[mmertens@perkinscoie.com](mailto:mmertens@perkinscoie.com)  
[perkinscoie.com](http://perkinscoie.com)

---

**From:** Mark Conrad <[mconrad@freybuck.com](mailto:mconrad@freybuck.com)>  
**Sent:** Wednesday, September 25, 2024 12:26 PM  
**To:** Mertens, Matthew (POR) <[MMertens@perkinscoie.com](mailto:MMertens@perkinscoie.com)>  
**Cc:** Perez, David A. (SEA) <[DPerez@perkinscoie.com](mailto:DPerez@perkinscoie.com)>; Kristofer@riklislaw.com; Trambley, Lauren (SFO) <[LTrambley@perkinscoie.com](mailto:LTrambley@perkinscoie.com)>; Lauren English <[lenglish@freybuck.com](mailto:lenglish@freybuck.com)>; Ted Buck <[tbuck@freybuck.com](mailto:tbuck@freybuck.com)>; Amber Holmes <[aholmes@freybuck.com](mailto:aholmes@freybuck.com)>  
**Subject:** RE: Social Engineer Initial STR

Hi Matt,

Attached is the updated STR for the email data. Anna Truss informed me that the social media accounts are processed, and she will provide a separate STR for those. I'll follow up today to get an ETA on that but wanted to get this over to you in the interim. The revisions to the search terms have significantly reduced the email hit results. I suggest we proceed with Anna transferring the email data sets (which I understand also include Teams) to our firm for review of privilege and responsiveness. Since the data includes our firm's client communications, I don't plan to create a privilege log (nor expect you to), following the model ESI protocol. Let me know your thoughts.

For our expert's deposition, the available dates are November 14, 15, 18, 19, and 20. Please let me know which works best.

Once you have your updated STR, please send it over.

Thanks,  
Mark

**Mark R. Conrad | Attorney**

**Frey Buck**  
1200 Fifth Avenue, Ste. 1900  
Seattle, WA 98101  
206-486-8000, Ext. 805  
206-902-9660 (Fax)  
[www.freybuck.com](http://www.freybuck.com)

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---

**From:** Mertens, Matthew (Perkins Coie) <[MMertens@perkinscoie.com](mailto:MMertens@perkinscoie.com)>  
**Sent:** Tuesday, September 17, 2024 6:49 PM  
**To:** Mark Conrad <[mconrad@freybuck.com](mailto:mconrad@freybuck.com)>  
**Cc:** Perez, David A. (Perkins Coie) <[DPerez@perkinscoie.com](mailto:DPerez@perkinscoie.com)>; Kristofer@riklislaw.com; Trambley,

Lauren (Perkins Coie) <[LTrambley@perkinscoie.com](mailto:LTrambley@perkinscoie.com)>; Lauren English <[lenglish@freybuck.com](mailto:lenglish@freybuck.com)>; Ted Buck <[tbuck@freybuck.com](mailto:tbuck@freybuck.com)>; Amber Holmes <[aholmes@freybuck.com](mailto:aholmes@freybuck.com)>

**Subject:** RE: Social Engineer Initial STR

Hey, Mark—

Following up on my email below. Please find attached Def Con's proposed edits to your search terms. Tab 1 is what you proposed. Tab 2 reflects removal of the broad terms we agreed to remove (custodial terms, Mar, Janet, \*goon, etc.), and it also reflects me attempting to narrow some of the other broad terms we talked about (the Grifter-related terms, the Sugihara term, and the Black Hat term) in a way that is more likely to get you what you're looking for.

- Rather than not reviewing any additional "Black Hat" terms based on the 95/5 sample we performed, I'm proposing that we review all emails in our collection to, from, or cc'ing Steve Oldenbourg or Steve Wylie between 8/01/2021 and 8/01/2022, which is the time period within which Mr. Moss and Def Con may have been discussing Mr. Hadnagy with Mr. Oldenbourg and Mr. Wylie.
- I've added the "Chris" search term to the "Sugihara" term and Grifter-related terms, to try to narrow those terms to conversations that Grifter and/or Mr. Sugihara may have had with others where they mentioned the name "Chris." (Note that Hadnagy, SECOM, Social-Engineer, and S-E are standalone terms, so any hits containing these terms will already be reviewed.)
- I've added a term for emails to/from/cc'ing [linda@defcon.org](mailto:linda@defcon.org) since that's the domain related to the Linda Hatcho/Hatco/etc. search term you proposed, so I think it's a cleaner search.

-----

Turning to the initial search term report you provided in response to our initial requested search terms (STR attached), I propose the following modifications to reasonably narrow the review universe:

- For the "██████" or "██████" terms, limit to 6/01/2021 and thereafter.
- For all the client terms—Synchrony through JPMC on the attached spreadsheet—we don't need anything other than (1) the contracts or POs or work orders with these entities, and (2) communications related to these entities terminating their relationship with S-E. So if you can identify those materials within these search term hits, we don't need any other hits reviewed.
- Drop the term "sexual or criminal".
- For the Moss/Tangent/DT term, limit to 8/01/2021 and thereafter.
- For the "Black Hat" term, limit to 8/01/2021 and thereafter.

For the “Netflix” term, limit to 6/01/2021 and thereafter.

- Drop the “Wiley” term.
- For these three terms— ((steal\*) AND ("clients")), ((stole\*) AND ("clients")), and ((compet\*) AND ("business")), can you please rerun them with a “W/5” proximity search, or its functional equivalent if you are not using Relativity to host these documents? That should make them more reasonable.
- Drop the [REDACTED] term.

With these changes, can you please advise of the new proposed review universe?

-----

Happy to talk through these terms and proposed modifications thereto on our call tomorrow.

Thanks,

**Matt Mertens**  
PARTNER

**Perkins Coie**

1120 N.W. Couch Street Tenth Floor  
Portland, OR 97209-4128  
[+1.503.727.2199](tel:+15037272199)  
[mmertens@perkinscoie.com](mailto:mmertens@perkinscoie.com)  
[perkinscoie.com](http://perkinscoie.com)

---

**From:** Mertens, Matthew (POR)  
**Sent:** Monday, September 16, 2024 6:58 PM  
**To:** Mark Conrad <[mconrad@freybuck.com](mailto:mconrad@freybuck.com)>  
**Cc:** Perez, David A. (SEA) <[DPerez@perkinscoie.com](mailto:DPerez@perkinscoie.com)>; [Kristofer@riklislaw.com](mailto:Kristofer@riklislaw.com); Trambley, Lauren (SFO) <[LTrambley@perkinscoie.com](mailto:LTrambley@perkinscoie.com)>; Lauren English <[lenglish@freybuck.com](mailto:lenglish@freybuck.com)>; Ted Buck <[tbuck@freybuck.com](mailto:tbuck@freybuck.com)>; Amber Holmes <[aholmes@freybuck.com](mailto:aholmes@freybuck.com)>  
**Subject:** RE: Social Engineer Initial STR

Hey, Mark—

Thanks for the STR. Appreciate it. It’s clear that some of these terms need narrowing. I’ll work on that tomorrow and send you proposed narrowers. I’ve also developed some proposed search terms that I think may be better tailored to what you’re looking for and apply some of the limiters you suggested for your terms. I’ll send those to you tomorrow as well.

I’m free basically at your convenience except between 1:00 pm and 2:00 pm on Wednesday.

Let's try to talk then as opposed to Friday.

Separately, can you please provide your expert's availability for deposition in the next couple of weeks?

Thank you,

**Matt Mertens**  
PARTNER

**Perkins Coie**

1120 N.W. Couch Street Tenth Floor  
Portland, OR 97209-4128  
[+1.503.727.2199](tel:+15037272199)  
[mmertens@perkinscoie.com](mailto:mmertens@perkinscoie.com)  
[perkinscoie.com](http://perkinscoie.com)

---

**From:** Mark Conrad <[mconrad@freybuck.com](mailto:mconrad@freybuck.com)>  
**Sent:** Friday, September 13, 2024 12:31 PM  
**To:** Mertens, Matthew (POR) <[MMertens@perkinscoie.com](mailto:MMertens@perkinscoie.com)>  
**Cc:** Perez, David A. (SEA) <[DPerez@perkinscoie.com](mailto:DPerez@perkinscoie.com)>; [Kristofer@rikislaw.com](mailto:Kristofer@rikislaw.com); Trambley, Lauren (SFO) <[LTrambley@perkinscoie.com](mailto:LTrambley@perkinscoie.com)>; Lauren English <[lenglish@freybuck.com](mailto:lenglish@freybuck.com)>; Ted Buck <[tbuck@freybuck.com](mailto:tbuck@freybuck.com)>; Amber Holmes <[aholmes@freybuck.com](mailto:aholmes@freybuck.com)>  
**Subject:** Social Engineer Initial STR

Hi Matt,

Anna Truss completed an initial STR for the email inboxes, including Teams communications, which is attached. She's still processing the social media accounts and plans to run the remaining search terms. I tried to schedule a call with her today to review the work, but she's in training all day. We've set a meeting for Monday, though the time is still being finalized. You and I should also meet next week to discuss next steps. I'm available on 9/18 and 9/20—let me know what works for you.

Thanks,

**Mark R. Conrad | Attorney**

**Frey Buck**  
1200 Fifth Avenue, Ste. 1900  
Seattle, WA 98101  
206-486-8000, Ext. 805  
206-902-9660 (Fax)  
[www.freybuck.com](http://www.freybuck.com)

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---

**From:** Trambley, Lauren (Perkins Coie) <[LTrambley@perkinscoie.com](mailto:LTrambley@perkinscoie.com)>  
**Sent:** Friday, September 13, 2024 10:53 AM  
**To:** Lauren English <[lenglish@freybuck.com](mailto:lenglish@freybuck.com)>; Ted Buck <[tbuck@freybuck.com](mailto:tbuck@freybuck.com)>; Mark Conrad <[mconrad@freybuck.com](mailto:mconrad@freybuck.com)>; Amber Holmes <[aholmes@freybuck.com](mailto:aholmes@freybuck.com)>  
**Cc:** Perez, David A. (Perkins Coie) <[DPerez@perkinscoie.com](mailto:DPerez@perkinscoie.com)>; Mertens, Matthew (Perkins Coie) <[MMertens@perkinscoie.com](mailto:MMertens@perkinscoie.com)>  
**Subject:** RE: Hadnag v. Def Con || Service of third-party deposition subpoenas

Counsel,

Please find attached for your records the deposition subpoena that we served on [REDACTED] today. Ms. [REDACTED] agreed to accept service by email and may be contacted through counsel.

Thank you,

**Lauren Trambley** | ASSOCIATE | **Perkins Coie**  
505 Howard Street Suite 1000  
San Francisco, CA 94105-3204  
[+1.415.344.7140](tel:+14153447140)  
[ltrambley@perkinscoie.com](mailto:ltrambley@perkinscoie.com)

---

**From:** Trambley, Lauren (SFO) <[LTrambley@perkinscoie.com](mailto:LTrambley@perkinscoie.com)>  
**Sent:** Thursday, September 12, 2024 12:51 PM  
**To:** Lauren English <[lenglish@freybuck.com](mailto:lenglish@freybuck.com)>; Ted Buck <[tbuck@freybuck.com](mailto:tbuck@freybuck.com)>; Mark Conrad <[mconrad@freybuck.com](mailto:mconrad@freybuck.com)>; Amber Holmes <[aholmes@freybuck.com](mailto:aholmes@freybuck.com)>  
**Cc:** Perez, David A. (SEA) <[DPerez@perkinscoie.com](mailto:DPerez@perkinscoie.com)>; Mertens, Matthew (POR) <[MMertens@perkinscoie.com](mailto:MMertens@perkinscoie.com)>  
**Subject:** RE: Hadnag v. Def Con || Service of third-party deposition subpoenas

Counsel,

Please find attached for your records the deposition subpoena that we served on [REDACTED] today. Ms. [REDACTED] agreed to accept service by email.

Thank you,

**Lauren Trambley** | ASSOCIATE | **Perkins Coie**  
505 Howard Street Suite 1000  
San Francisco, CA 94105-3204  
[+1.415.344.7140](tel:+14153447140)

[ltrambley@perkinscoie.com](mailto:ltrambley@perkinscoie.com)

---

**From:** Mertens, Matthew (POR) <[MMertens@perkinscoie.com](mailto:MMertens@perkinscoie.com)>  
**Sent:** Friday, August 30, 2024 6:40 PM  
**To:** Lauren English <[lenglish@freybuck.com](mailto:lenglish@freybuck.com)>; Ted Buck <[tbuck@freybuck.com](mailto:tbuck@freybuck.com)>; Mark Conrad <[mconrad@freybuck.com](mailto:mconrad@freybuck.com)>; Amber Holmes <[aholmes@freybuck.com](mailto:aholmes@freybuck.com)>  
**Cc:** Perez, David A. (SEA) <[DPerez@perkinscoie.com](mailto:DPerez@perkinscoie.com)>; Trambley, Lauren (SFO) <[LTrambley@perkinscoie.com](mailto:LTrambley@perkinscoie.com)>  
**Subject:** RE: Hadnagy v. Def Con || Service of third-party deposition subpoenas

Mark and Lauren—

Please find attached for your records the deposition subpoena that we served on [REDACTED] today. Ms. [REDACTED] agreed to accept service by email.

Thank you,

**Matt Mertens**  
PARTNER

**Perkins Coie**

1120 N.W. Couch Street Tenth Floor  
Portland, OR 97209-4128  
[+1.503.727.2199](tel:+15037272199)  
[mmertens@perkinscoie.com](mailto:mmertens@perkinscoie.com)  
[perkinscoie.com](http://perkinscoie.com)

---

**From:** Mertens, Matthew (POR) <[MMertens@perkinscoie.com](mailto:MMertens@perkinscoie.com)>  
**Sent:** Friday, August 30, 2024 12:07 PM  
**To:** Lauren English <[lenglish@freybuck.com](mailto:lenglish@freybuck.com)>; Ted Buck <[tbuck@freybuck.com](mailto:tbuck@freybuck.com)>; Mark Conrad <[mconrad@freybuck.com](mailto:mconrad@freybuck.com)>; Amber Holmes <[aholmes@freybuck.com](mailto:aholmes@freybuck.com)>  
**Cc:** Perez, David A. (SEA) <[DPerez@perkinscoie.com](mailto:DPerez@perkinscoie.com)>; Trambley, Lauren (SFO) <[LTrambley@perkinscoie.com](mailto:LTrambley@perkinscoie.com)>  
**Subject:** Hadnagy v. Def Con || Service of third-party deposition subpoenas

Mark and Lauren—

Please find attached for your records deposition subpoenas that we have served on [REDACTED] [REDACTED] and [REDACTED] Ms. [REDACTED] and Ms. [REDACTED] agreed to accept service by email.

We will respond separately to Lauren's August 23, 2024, email regarding Plaintiffs' LCR 37 requests in the near future.

Thank you,

**Matt Mertens**  
**PARTNER**

**Perkins Coie**

1120 N.W. Couch Street Tenth Floor  
Portland, OR 97209-4128  
[+1.503.727.2199](tel:+15037272199)  
[mmertens@perkinscoie.com](mailto:mmertens@perkinscoie.com)  
[perkinscoie.com](http://perkinscoie.com)

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# Exhibit 3

**From:** [Mertens, Matthew \(POR\)](#)  
**To:** [Mark Conrad](#)  
**Cc:** [Perez, David A. \(SEA\)](#); [Kristofer@rikislaw.com](mailto:Kristofer@rikislaw.com); [Trambley, Lauren \(SFO\)](#); [Lauren English](#); [Ted Buck](#); [Amber Holmes](#); [Dean, Jacob \(WDC\)](#)  
**Subject:** RE: Social Engineer Initial STR  
**Date:** Thursday, October 3, 2024 4:53:33 PM  
**Attachments:** [image001.png](#)

---

Mark, thanks. I'll address your points in order below.

2. Thanks for the update. What is the additional timing-related information you've received from Ms. Truss and DWR about the transfer of the hits to your platform for review, and what's your estimate for amount of time it's going to take to review and produce responsive materials? As my colleague Jake alluded to, we're starting to get concerned about the schedule and our ability to have adequate time to review your document production and depose Mr. and Ms. Hadnagay before the fact discovery cutoff in December.

2a. Yes, agreed on the production of S-E's financial information and S-E's client names being treated as if they were designated confidential under the SPO even if they're inadvertently not marked as such, with the goal of expediting Mr. Hadnagay's document production. I ask that you make every effort to mark those documents confidential so there aren't misunderstandings between the parties later, but we don't have any interest in publicizing Mr. Hadnagay's finances or his client names, and we'll make good-faith efforts to call any undesignated documents to your attention if we encounter them during the review of your production. To facilitate that, I ask that you provide a list of client names you'd like us to treat as confidential, as we don't have independent knowledge of Mr. Hadnagay's client base.

Regarding "S-E's client data," I'm not opposed in principle to the same treatment, but I'm not sure what that client data actually looks like / consists of. In other words, we can readily identify on our end S-E's financial information; and with the client names you provide, we can identify Mr. Hadnagay's clients; but I'm not sure how we would identify "client data," so if you can provide parameters for what you mean by that, I'd appreciate it.

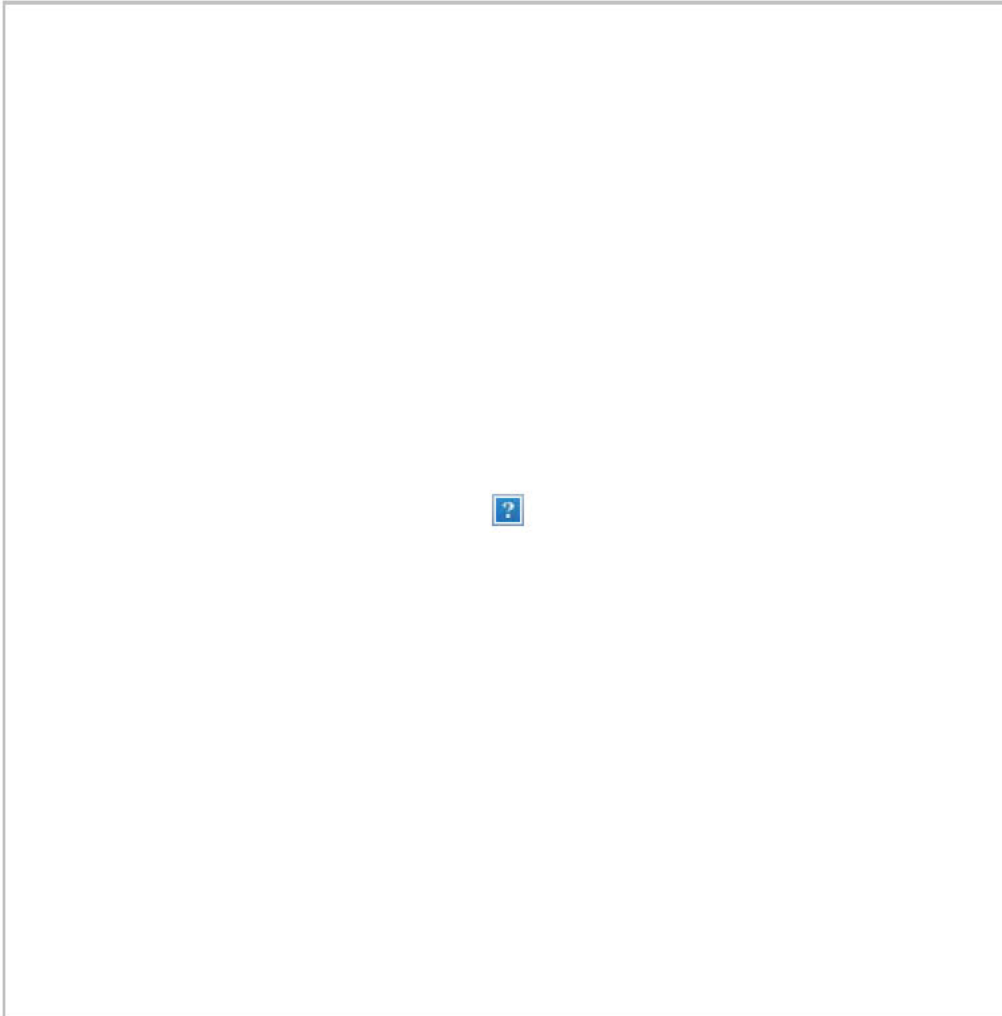
We reserve all rights to challenge the propriety of any confidentiality designations under the appropriate procedures for the SPO.

3. I will get some dates for Mr. Moss's electronic availability for the last 75 minutes of the deposition over Zoom. Regarding his physical availability, as I said before, he doesn't presently have concrete dates for physical presence in Washington State during the fact discovery period, although he tentatively plans to be in Washington State in late November / early December. If and when he solidifies those plans, I'll let you know promptly.

4. We prefer in person for Mr. Hadnagay's deposition.

---

Turning to our review of your documents, responsiveness rates are extremely small—less than 1%. And even that figure is artificially high because your RFP Nos. 8 and 9 request all documents and communications related to Social-Engineer or Mr. Hadnagy. We’re accordingly coding as “responsive” documents like daily email digests of social media activity unrelated to this dispute but mentioning Social-Engineer, like the following screenshot:



I have personally reviewed several hundred documents and have not found any “actually” responsive documents (i.e., something you would actually care about, in addition to being technically responsive to your RFPs).

We have a couple of options for how to proceed. The first is that we keep the document set as-is but review it with the assistance of Relativity Assisted Learning, which is a machine learning algorithm that prioritizes responsive documents and deprioritizes unresponsive ones, and then alerts the review team once it is highly unlikely that there are responsive documents

left in the review set. This is a standard technology-assisted review (TAR) technique to identify responsive documents when they're greatly outnumbered by nonresponsive ones.

The other option is that we keep the search terms as-is but apply a one-year time limitation from August 1, 2021, until August 1, 2022 for the search terms, and then we'll do a linear review of those hits. This focuses the linear review on the time period when Mr. Hadnagy's issues first came to Def Con's attention; the actions Def Con took in response up until February 2022 and the ban announcement; and then a six-month period thereafter. This is the most likely time period for responsive and relevant documents for Mr. Hadnagy's claims, if any.

Both of these options are approximately the same cost and burden to our client, so both are fine from my perspective, and both are likely to surface responsive documents in the same way. Please let me know if you have a preference or would like to discuss further.

Thanks,

**Matt Mertens**  
**PARTNER**

**Perkins Coie**

1120 N.W. Couch Street Tenth Floor  
Portland, OR 97209-4128  
[+1.503.727.2199](tel:+15037272199)  
[mmertens@perkinscoie.com](mailto:mmertens@perkinscoie.com)  
[perkinscoie.com](http://perkinscoie.com)

---

**From:** Mark Conrad <mconrad@freybuck.com>

**Sent:** Tuesday, October 1, 2024 11:08 AM

**To:** Mertens, Matthew (POR) <MMertens@perkinscoie.com>

**Cc:** Perez, David A. (SEA) <DPerez@perkinscoie.com>; Kristofer@riklislaw.com; Trambley, Lauren (SFO) <LTrambley@perkinscoie.com>; Lauren English <lenglish@freybuck.com>; Ted Buck <tbuck@freybuck.com>; Amber Holmes <aholmes@freybuck.com>; Dean, Jacob (WDC) <JacobDean@perkinscoie.com>

**Subject:** RE: Social Engineer Initial STR

1. Sounds good, thank you.
2. Here's an update on the process of ingesting document: Anna Truss is working with a representative from Digital War Room (DWR) to transfer the data into our platform. Attached is an updated search term report (STR) that includes social media accounts, except for one Facebook and one Twitter account. I expect to receive another STR with

those additional accounts included today and will send it over once I have it. We've instructed Ms. Truss and DWR to transfer the current hit results as soon as possible (minus Synchrony through JPMC hits). I've sent out an email this morning and asked for timing frame for this process and will report back on that. Once transferred, we'll run searches for attorney-client privilege/ work product, confidential markings, and produce.

- a. Side note: Can we agree that any SE financial information, SE client names, and client data are confidential, whether or not they're marked as such? Also, can we discuss approach to any redactions before you file any SE materials covered by the protective order? With a production of this size, I'm concerned about the risk of missing something, and the time needed to review everything for SE financial information and client data, which may slow things. I'm happy to discuss potential solutions to this issue. We also need to agree on how to handle confidential markings on your side.
3. I'd like to finish Mr. Moss's deposition in person due to the exhibits I need to cover and time constraints. Could you provide some available dates for both in-person and Zoom? I'll choose one.
4. I'll work on scheduling dates for Hadnagy's deposition. Do you prefer Zoom or in-person?

Feel free to call or text me at 206-979-5337. I'm free tomorrow morning, Thursday afternoon, Friday morning. But you can call or text anytime as well.

Thanks,

Mark

**Mark R. Conrad | Attorney**

**Frey Buck**

1200 Fifth Avenue, Ste. 1900

Seattle, WA 98101

206-486-8000, Ext. 805

206-902-9660 (Fax)

[www.freybuck.com](http://www.freybuck.com)

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---

**From:** Mertens, Matthew (Perkins Coie) <[MMertens@perkinscoie.com](mailto:MMertens@perkinscoie.com)>  
**Sent:** Monday, September 30, 2024 1:46 PM  
**To:** Mark Conrad <[mconrad@freybuck.com](mailto:mconrad@freybuck.com)>  
**Cc:** Perez, David A. (Perkins Coie) <[DPerez@perkinscoie.com](mailto:DPerez@perkinscoie.com)>; [Kristofer@riklislaw.com](mailto:Kristofer@riklislaw.com); Trambley, Lauren (Perkins Coie) <[LTrambley@perkinscoie.com](mailto:LTrambley@perkinscoie.com)>; Lauren English <[lenglish@freybuck.com](mailto:lenglish@freybuck.com)>; Ted Buck <[tbuck@freybuck.com](mailto:tbuck@freybuck.com)>; Amber Holmes <[aholmes@freybuck.com](mailto:aholmes@freybuck.com)>; Dean, Jacob (Jake) (Perkins Coie) <[JacobDean@perkinscoie.com](mailto:JacobDean@perkinscoie.com)>  
**Subject:** RE: Social Engineer Initial STR

Hey, Mark—checking in on a few things. (1) I'm going to obtain the name of [REDACTED] partner this evening and provide that to you on an AEO basis, as discussed. (2) Checking to make sure you've been able to ingest the documents hitting on our mutually agreed-to search terms with your vendor and have started your review? (3) regarding your request for additional dates for Jeff Moss's deposition, I don't have any additional updates at this time. He is still tentatively planning to be in person in Washington State in late November around Thanksgiving time, but he hasn't yet booked that travel. As I mentioned previously, I will work with you to make him available for the last 75 minutes of his deposition via Zoom prior to that, if you are willing to finish your deposition over videoconference. (4) we would like to depose Mr. Hadnagy in late November or early December; could you please check with your client for his availability in that time period?

Thanks,

**Matt Mertens**  
PARTNER

**Perkins Coie**

1120 N.W. Couch Street Tenth Floor  
Portland, OR 97209-4128  
[+1.503.727.2199](tel:+15037272199)  
[mmertens@perkinscoie.com](mailto:mmertens@perkinscoie.com)  
[perkinscoie.com](http://perkinscoie.com)

---

**From:** Mertens, Matthew (POR) <[MMertens@perkinscoie.com](mailto:MMertens@perkinscoie.com)>  
**Sent:** Thursday, September 26, 2024 5:42 PM  
**To:** Mark Conrad <[mconrad@freybuck.com](mailto:mconrad@freybuck.com)>  
**Cc:** Perez, David A. (SEA) <[DPerez@perkinscoie.com](mailto:DPerez@perkinscoie.com)>; [Kristofer@riklislaw.com](mailto:Kristofer@riklislaw.com); Trambley, Lauren (SFO) <[LTrambley@perkinscoie.com](mailto:LTrambley@perkinscoie.com)>; Lauren English <[lenglish@freybuck.com](mailto:lenglish@freybuck.com)>; Ted Buck <[tbuck@freybuck.com](mailto:tbuck@freybuck.com)>; Amber Holmes <[aholmes@freybuck.com](mailto:aholmes@freybuck.com)>  
**Subject:** RE: Social Engineer Initial STR

Mark, the attached should have the hit counts for everything except for the "[REDACTED]" term; the [linda@defcon.org](mailto:linda@defcon.org) search; the Marc Rogers emails; and the "Steves" at Black Hat. I don't have the [REDACTED] hits available offhand, but the Linda search is 276 docs with fams; CJ / Marc search is 46 with fams; Steves at Black Hat is 76 with fams; and there are no hits on emails to or from [REDACTED] at either her "zed-one" domain or her S-E domain.

Please let me know if you have any questions. Otherwise, we'll promote these terms for review and start chugging.

Thanks,

**Matt Mertens**  
PARTNER

**Perkins Coie**

1120 N.W. Couch Street Tenth Floor  
Portland, OR 97209-4128  
[+1.503.727.2199](tel:+15037272199)  
[mmertens@perkinscoie.com](mailto:mmertens@perkinscoie.com)  
[perkinscoie.com](http://perkinscoie.com)

---

**From:** Mertens, Matthew (POR)  
**Sent:** Thursday, September 26, 2024 5:08 PM  
**To:** Mark Conrad <[mconrad@freybuck.com](mailto:mconrad@freybuck.com)>  
**Cc:** Perez, David A. (SEA) <[DPerez@perkinscoie.com](mailto:DPerez@perkinscoie.com)>; [Kristofer@rikislaw.com](mailto:Kristofer@rikislaw.com); Trambley, Lauren (SFO) <[LTrambley@perkinscoie.com](mailto:LTrambley@perkinscoie.com)>; Lauren English <[lenglish@freybuck.com](mailto:lenglish@freybuck.com)>; Ted Buck <[tbuck@freybuck.com](mailto:tbuck@freybuck.com)>; Amber Holmes <[aholmes@freybuck.com](mailto:aholmes@freybuck.com)>  
**Subject:** RE: Social Engineer Initial STR

Hey, Mark—agreed with not needing to provide a privilege log for communications between your firm and your client. That's eminently reasonable, and we'll follow suit.

Looks like on the STR that the individual client names (Bank of America, etc.) are still the hit count outliers, so just re-flagging that all we're looking for there are (1) the contracts themselves, and (2) communications related to the termination of these contracts. We have no expectation that you're otherwise reviewing those documents for responsiveness.

Regarding the expert depo, does your expert have any dates in the first or second week of October?

Our ESS team is at an offsite conference so their responses will be delayed, but I'll ping Ken regarding the updated STR and hope to have it for you by EOD tomorrow.

Thanks,

**Matt Mertens**  
PARTNER

**Perkins Coie**

1120 N.W. Couch Street Tenth Floor  
Portland, OR 97209-4128  
[+1.503.727.2199](tel:+15037272199)  
[mmertens@perkinscoie.com](mailto:mmertens@perkinscoie.com)  
[perkinscoie.com](http://perkinscoie.com)

---

**From:** Mark Conrad <[mconrad@freybuck.com](mailto:mconrad@freybuck.com)>  
**Sent:** Wednesday, September 25, 2024 12:26 PM  
**To:** Mertens, Matthew (POR) <[MMertens@perkinscoie.com](mailto:MMertens@perkinscoie.com)>  
**Cc:** Perez, David A. (SEA) <[DPerez@perkinscoie.com](mailto:DPerez@perkinscoie.com)>; [Kristofer@rikislaw.com](mailto:Kristofer@rikislaw.com); Trambley, Lauren (SFO) <[LTrambley@perkinscoie.com](mailto:LTrambley@perkinscoie.com)>; Lauren English <[lenglish@freybuck.com](mailto:lenglish@freybuck.com)>; Ted Buck <[tbuck@freybuck.com](mailto:tbuck@freybuck.com)>; Amber Holmes <[aholmes@freybuck.com](mailto:aholmes@freybuck.com)>  
**Subject:** RE: Social Engineer Initial STR

Hi Matt,

Attached is the updated STR for the email data. Anna Truss informed me that the social media accounts are processed, and she will provide a separate STR for those. I'll follow up today to get an ETA on that but wanted to get this over to you in the interim. The revisions to the search terms have significantly reduced the email hit results. I suggest we proceed with Anna transferring the email data sets (which I understand also include Teams) to our firm for review of privilege and responsiveness. Since the data includes our firm's client communications, I don't plan to create a privilege log (nor expect you to), following the model ESI protocol. Let me know your thoughts.

For our expert's deposition, the available dates are November 14, 15, 18, 19, and 20. Please let me know which works best.

Once you have your updated STR, please send it over.

Thanks,  
Mark

**Mark R. Conrad | Attorney**

**Frey Buck**  
1200 Fifth Avenue, Ste. 1900  
Seattle, WA 98101  
206-486-8000, Ext. 805



206-902-9660 (Fax)  
[www.freybuck.com](http://www.freybuck.com)

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---

**From:** Mertens, Matthew (Perkins Coie) <[MMertens@perkinscoie.com](mailto:MMertens@perkinscoie.com)>

**Sent:** Tuesday, September 17, 2024 6:49 PM

**To:** Mark Conrad <[mconrad@freybuck.com](mailto:mconrad@freybuck.com)>

**Cc:** Perez, David A. (Perkins Coie) <[DPerez@perkinscoie.com](mailto:DPerez@perkinscoie.com)>; Kristofer@rikliislaw.com; Trambley, Lauren (Perkins Coie) <[LTrambley@perkinscoie.com](mailto:LTrambley@perkinscoie.com)>; Lauren English <[lenglish@freybuck.com](mailto:lenglish@freybuck.com)>; Ted Buck <[tbuck@freybuck.com](mailto:tbuck@freybuck.com)>; Amber Holmes <[aholmes@freybuck.com](mailto:aholmes@freybuck.com)>

**Subject:** RE: Social Engineer Initial STR

Hey, Mark—

Following up on my email below. Please find attached Def Con's proposed edits to your search terms. Tab 1 is what you proposed. Tab 2 reflects removal of the broad terms we agreed to remove (custodial terms, Mar, Janet, \*goon, etc.), and it also reflects me attempting to narrow some of the other broad terms we talked about (the Grifter-related terms, the Sugihara term, and the Black Hat term) in a way that is more likely to get you what you're looking for.

- Rather than not reviewing any additional "Black Hat" terms based on the 95/5 sample we performed, I'm proposing that we review all emails in our collection to, from, or cc'ing Steve Oldenbourg or Steve Wylie between 8/01/2021 and 8/01/2022, which is the time period within which Mr. Moss and Def Con may have been discussing Mr. Hadnagy with Mr. Oldenbourg and Mr. Wylie.
- I've added the "Chris" search term to the "Sugihara" term and Grifter-related terms, to try to narrow those terms to conversations that Grifter and/or Mr. Sugihara may have had with others where they mentioned the name "Chris." (Note that Hadnagy, SECOM, Social-Engineer, and S-E are standalone terms, so any hits containing these terms will already be reviewed.)
- I've added a term for emails to/from/cc'ing [linda@defcon.org](mailto:linda@defcon.org) since that's the domain related to the Linda Hatcho/Hatco/etc. search term you proposed, so I think it's a cleaner search.

-----

Turning to the initial search term report you provided in response to our initial requested search terms (STR attached), I propose the following modifications to reasonably narrow the

review universe:

- For the "[REDACTED]" or "[REDACTED]" terms, limit to 6/01/2021 and thereafter.
- For all the client terms—Synchrony through JPMC on the attached spreadsheet—we don't need anything other than (1) the contracts or POs or work orders with these entities, and (2) communications related to these entities terminating their relationship with S-E. So if you can identify those materials within these search term hits, we don't need any other hits reviewed.
- Drop the term "sexual or criminal".
- For the Moss/Tangent/DT term, limit to 8/01/2021 and thereafter.
- For the "Black Hat" term, limit to 8/01/2021 and thereafter.
- For the "Netflix" term, limit to 6/01/2021 and thereafter.
- Drop the "Wiley" term.
- For these three terms— ((steal\*) AND ("clients")), ((stole\*) AND ("clients")), and ((compet\*) AND ("business")), can you please rerun them with a "W/5" proximity search, or its functional equivalent if you are not using Relativity to host these documents? That should make them more reasonable.
- Drop the [REDACTED] term.

With these changes, can you please advise of the new proposed review universe?

-----

Happy to talk through these terms and proposed modifications thereto on our call tomorrow.

Thanks,

**Matt Mertens**  
PARTNER

**Perkins Coie**

1120 N.W. Couch Street Tenth Floor  
Portland, OR 97209-4128  
[+1.503.727.2199](tel:+15037272199)  
[mmertens@perkinscoie.com](mailto:mmertens@perkinscoie.com)  
[perkinscoie.com](http://perkinscoie.com)

---

**From:** Mertens, Matthew (POR)

**Sent:** Monday, September 16, 2024 6:58 PM

**To:** Mark Conrad <[mconrad@freybuck.com](mailto:mconrad@freybuck.com)>

**Cc:** Perez, David A. (SEA) <[DPerez@perkinscoie.com](mailto:DPerez@perkinscoie.com)>; [Kristofer@rikliislaw.com](mailto:Kristofer@rikliislaw.com); Trambley, Lauren (SFO) <[LTrambley@perkinscoie.com](mailto:LTrambley@perkinscoie.com)>; Lauren English <[lenglish@freybuck.com](mailto:lenglish@freybuck.com)>; Ted Buck

<[tbuck@freybuck.com](mailto:tbuck@freybuck.com)>; Amber Holmes <[aholmes@freybuck.com](mailto:aholmes@freybuck.com)>

**Subject:** RE: Social Engineer Initial STR

Hey, Mark—

Thanks for the STR. Appreciate it. It's clear that some of these terms need narrowing. I'll work on that tomorrow and send you proposed narrowers. I've also developed some proposed search terms that I think may be better tailored to what you're looking for and apply some of the limiters you suggested for your terms. I'll send those to you tomorrow as well.

I'm free basically at your convenience except between 1:00 pm and 2:00 pm on Wednesday. Let's try to talk then as opposed to Friday.

Separately, can you please provide your expert's availability for deposition in the next couple of weeks?

Thank you,

**Matt Mertens**  
PARTNER

**Perkins Coie**

1120 N.W. Couch Street Tenth Floor  
Portland, OR 97209-4128  
[+1.503.727.2199](tel:+15037272199)  
[mmertens@perkinscoie.com](mailto:mmertens@perkinscoie.com)  
[perkinscoie.com](http://perkinscoie.com)

---

**From:** Mark Conrad <[mconrad@freybuck.com](mailto:mconrad@freybuck.com)>

**Sent:** Friday, September 13, 2024 12:31 PM

**To:** Mertens, Matthew (POR) <[MMertens@perkinscoie.com](mailto:MMertens@perkinscoie.com)>

**Cc:** Perez, David A. (SEA) <[DPerez@perkinscoie.com](mailto:DPerez@perkinscoie.com)>; Kristofer@rikliislaw.com; Trambley, Lauren (SFO) <[LTrambley@perkinscoie.com](mailto:LTrambley@perkinscoie.com)>; Lauren English <[lenglish@freybuck.com](mailto:lenglish@freybuck.com)>; Ted Buck <[tbuck@freybuck.com](mailto:tbuck@freybuck.com)>; Amber Holmes <[aholmes@freybuck.com](mailto:aholmes@freybuck.com)>

**Subject:** Social Engineer Initial STR

Hi Matt,

Anna Truss completed an initial STR for the email inboxes, including Teams communications, which is attached. She's still processing the social media accounts and plans to run the remaining search terms. I tried to schedule a call with her today to review the work, but she's in training all day. We've set a meeting for Monday, though the time is still being finalized. You and I should also meet next week to discuss next steps. I'm available on 9/18 and 9/20—let me know what works for you.

Thanks,

**Mark R. Conrad | Attorney**

**Frey Buck**

1200 Fifth Avenue, Ste. 1900  
Seattle, WA 98101  
206-486-8000, Ext. 805  
206-902-9660 (Fax)  
[www.freybuck.com](http://www.freybuck.com)

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---

**From:** Trambley, Lauren (Perkins Coie) <[LTrambley@perkinscoie.com](mailto:LTrambley@perkinscoie.com)>  
**Sent:** Friday, September 13, 2024 10:53 AM  
**To:** Lauren English <[lenglish@freybuck.com](mailto:lenglish@freybuck.com)>; Ted Buck <[tbuck@freybuck.com](mailto:tbuck@freybuck.com)>; Mark Conrad <[mconrad@freybuck.com](mailto:mconrad@freybuck.com)>; Amber Holmes <[aholmes@freybuck.com](mailto:aholmes@freybuck.com)>  
**Cc:** Perez, David A. (Perkins Coie) <[DPerez@perkinscoie.com](mailto:DPerez@perkinscoie.com)>; Mertens, Matthew (Perkins Coie) <[MMertens@perkinscoie.com](mailto:MMertens@perkinscoie.com)>  
**Subject:** RE: Hadnagy v. Def Con || Service of third-party deposition subpoenas

Counsel,

Please find attached for your records the deposition subpoena that we served on [REDACTED] today. Ms. [REDACTED] agreed to accept service by email and may be contacted through counsel.

Thank you,

**Lauren Trambley | ASSOCIATE | Perkins Coie**

505 Howard Street Suite 1000  
San Francisco, CA 94105-3204  
+1.415.344.7140  
[ltrambley@perkinscoie.com](mailto:ltrambley@perkinscoie.com)

---

**From:** Trambley, Lauren (SFO) <[LTrambley@perkinscoie.com](mailto:LTrambley@perkinscoie.com)>  
**Sent:** Thursday, September 12, 2024 12:51 PM  
**To:** Lauren English <[lenglish@freybuck.com](mailto:lenglish@freybuck.com)>; Ted Buck <[tbuck@freybuck.com](mailto:tbuck@freybuck.com)>; Mark Conrad <[mconrad@freybuck.com](mailto:mconrad@freybuck.com)>; Amber Holmes <[aholmes@freybuck.com](mailto:aholmes@freybuck.com)>  
**Cc:** Perez, David A. (SEA) <[DPerez@perkinscoie.com](mailto:DPerez@perkinscoie.com)>; Mertens, Matthew (POR) <[MMertens@perkinscoie.com](mailto:MMertens@perkinscoie.com)>  
**Subject:** RE: Hadnagy v. Def Con || Service of third-party deposition subpoenas

Counsel,

Please find attached for your records the deposition subpoena that we served on [REDACTED] today. Ms. [REDACTED] agreed to accept service by email.

Thank you,

**Lauren Trambley** | ASSOCIATE | **Perkins Coie**

505 Howard Street Suite 1000  
San Francisco, CA 94105-3204  
[+1.415.344.7140](tel:+14153447140)  
[ltrambley@perkinscoie.com](mailto:ltrambley@perkinscoie.com)

---

**From:** Mertens, Matthew (POR) <[MMertens@perkinscoie.com](mailto:MMertens@perkinscoie.com)>  
**Sent:** Friday, August 30, 2024 6:40 PM  
**To:** Lauren English <[lenglish@freybuck.com](mailto:lenglish@freybuck.com)>; Ted Buck <[tbuck@freybuck.com](mailto:tbuck@freybuck.com)>; Mark Conrad <[mconrad@freybuck.com](mailto:mconrad@freybuck.com)>; Amber Holmes <[aholmes@freybuck.com](mailto:aholmes@freybuck.com)>  
**Cc:** Perez, David A. (SEA) <[DPerez@perkinscoie.com](mailto:DPerez@perkinscoie.com)>; Trambley, Lauren (SFO) <[LTrambley@perkinscoie.com](mailto:LTrambley@perkinscoie.com)>  
**Subject:** RE: Hadnagy v. Def Con || Service of third-party deposition subpoenas

Mark and Lauren—

Please find attached for your records the deposition subpoena that we served on [REDACTED] today. Ms. [REDACTED] agreed to accept service by email.

Thank you,

**Matt Mertens**  
**PARTNER**

**Perkins Coie**

1120 N.W. Couch Street Tenth Floor  
Portland, OR 97209-4128  
[+1.503.727.2199](tel:+15037272199)  
[mmertens@perkinscoie.com](mailto:mmertens@perkinscoie.com)  
[perkinscoie.com](http://perkinscoie.com)

---

**From:** Mertens, Matthew (POR) <[MMertens@perkinscoie.com](mailto:MMertens@perkinscoie.com)>  
**Sent:** Friday, August 30, 2024 12:07 PM  
**To:** Lauren English <[lenglish@freybuck.com](mailto:lenglish@freybuck.com)>; Ted Buck <[tbuck@freybuck.com](mailto:tbuck@freybuck.com)>; Mark Conrad <[mconrad@freybuck.com](mailto:mconrad@freybuck.com)>; Amber Holmes <[aholmes@freybuck.com](mailto:aholmes@freybuck.com)>  
**Cc:** Perez, David A. (SEA) <[DPerez@perkinscoie.com](mailto:DPerez@perkinscoie.com)>; Trambley, Lauren (SFO)

<[LTrambley@perkinscoie.com](mailto:LTrambley@perkinscoie.com)>

**Subject:** Hadnag v. Def Con || Service of third-party deposition subpoenas

Mark and Lauren—

Please find attached for your records deposition subpoenas that we have served on [REDACTED]  
[REDACTED] and [REDACTED]. Ms. [REDACTED] and Ms. [REDACTED] agreed to accept service by email.

We will respond separately to Lauren's August 23, 2024, email regarding Plaintiffs' LCR 37 requests in the near future.

Thank you,

**Matt Mertens**  
**PARTNER**

**Perkins Coie**

1120 N.W. Couch Street Tenth Floor  
Portland, OR 97209-4128  
[+1.503.727.2199](tel:+15037272199)  
[mmertens@perkinscoie.com](mailto:mmertens@perkinscoie.com)  
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# Exhibit 4



**From:** [Mertens, Matthew \(POR\)](#)  
**To:** [Mark Conrad](#)  
**Cc:** [Perez, David A. \(SEA\)](#); [Kristofer@rikislaw.com](#); [Trambley, Lauren \(SFO\)](#); [Lauren English](#); [Ted Buck](#); [Amber Holmes](#)  
**Subject:** RE: Social Engineer Initial STR  
**Date:** Thursday, October 10, 2024 9:39:19 AM  
**Attachments:** [Def Con Modified and proposed terms - 20210801 - 20220822 SearchTermsReport.xlsx](#)  
[Def Con Modified and Proposed terms - No Date Limit SearchTermsReport.xlsx](#)

---

Mark, per the below—please see attached. 3,563 documents family-inclusive with the date limiter applied, and 26,915 without the date limiter applied. As discussed, we are not applying the date limiter to Jeff's Signal messages, since relevant Signal messages were exchanged outside of the 8/01/2021 to 8/01/2022 period.

For the email-domain-specific hits with the date limiter applied:

Email search hits within 8/1/21 – 8/1/22 date range (94 total email hits due to overlap):

- [steve.oldenbourg@ubm.com](#) – 0 hits
- [steve.wylie@ubm.com](#) – 0 hits
- [steve.wylie@informa.com](#) – 42 hits
- [steve.oldenbourg@informa.com](#) – 65 hits
- [linda@defcon.org](#) – 0 hits
- [marcwrogers@gmail.com](#) – 23 hits
- [marc@closed-networks.com](#) – 0 hits
- [marc@cloudflare.com](#) – 0 hits

For the email-domain-specific hits without the date limiter applied:

Email search hits with no date range (1,310 total email hits due to overlap):

- [steve.oldenbourg@ubm.com](#) – 399 hits
- [steve.wylie@ubm.com](#) – 387 hits
- [steve.wylie@informa.com](#) – 178 hits
- [steve.oldenbourg@informa.com](#) – 337 hits
- [linda@defcon.org](#) – 276 hits
- [marcwrogers@gmail.com](#) – 89 hits
- [marc@closed-networks.com](#) – 57 hits
- [marc@cloudflare.com](#) – 34 hits

Please let me know if you have any additional questions. We really want to launch this review and get you any additional responsive documents timely, so we can wrap up document discovery and hopefully keep the case schedule intact.

Thanks,

**Matt Mertens**  
PARTNER

**Perkins Coie**

1120 N.W. Couch Street Tenth Floor  
Portland, OR 97209-4128  
[+1.503.727.2199](tel:+15037272199)  
[mmertens@perkinscoie.com](mailto:mmertens@perkinscoie.com)  
[perkinscoie.com](http://perkinscoie.com)

---

**From:** Mertens, Matthew (POR)  
**Sent:** Wednesday, October 9, 2024 10:49 AM  
**To:** Mark Conrad <[mconrad@freybuck.com](mailto:mconrad@freybuck.com)>  
**Cc:** Perez, David A. (SEA) <[DPerez@perkinscoie.com](mailto:DPerez@perkinscoie.com)>; Kristofer@rikislaw.com; Trambley, Lauren (SFO) <[LTrambley@perkinscoie.com](mailto:LTrambley@perkinscoie.com)>; Lauren English <[lenglish@freybuck.com](mailto:lenglish@freybuck.com)>; Ted Buck <[tbuck@freybuck.com](mailto:tbuck@freybuck.com)>; Amber Holmes <[aholmes@freybuck.com](mailto:aholmes@freybuck.com)>  
**Subject:** RE: Social Engineer Initial STR

Got it; we'll generate an STR with all hits and also generate an STR with the time limitation so you can compare.

**Matt Mertens**  
PARTNER

**Perkins Coie**

1120 N.W. Couch Street Tenth Floor  
Portland, OR 97209-4128  
[+1.503.727.2199](tel:+15037272199)  
[mmertens@perkinscoie.com](mailto:mmertens@perkinscoie.com)  
[perkinscoie.com](http://perkinscoie.com)

---

**From:** Mark Conrad <[mconrad@freybuck.com](mailto:mconrad@freybuck.com)>  
**Sent:** Wednesday, October 9, 2024 10:41 AM  
**To:** Mertens, Matthew (POR) <[MMertens@perkinscoie.com](mailto:MMertens@perkinscoie.com)>  
**Cc:** Perez, David A. (SEA) <[DPerez@perkinscoie.com](mailto:DPerez@perkinscoie.com)>; [Kristofer@rikislaw.com](mailto:Kristofer@rikislaw.com); Trambley, Lauren (SFO) <[LTrambley@perkinscoie.com](mailto:LTrambley@perkinscoie.com)>; Lauren English <[lenglish@freybuck.com](mailto:lenglish@freybuck.com)>; Ted Buck <[tbuck@freybuck.com](mailto:tbuck@freybuck.com)>; Amber Holmes <[aholmes@freybuck.com](mailto:aholmes@freybuck.com)>  
**Subject:** RE: Social Engineer Initial STR

I was hoping to get the final STR without the time limitation applied yet, as I want to review it and determine which search terms should have an additional time limiter. I also want to make sure I'm looking at the final version of the STR, since your email indicated that the terms "[REDACTED]" the "[linda@defcon.org](mailto:linda@defcon.org)" search, the Marc Rogers emails, and the "Steves at Black Hat" weren't included yet.

## Mark R. Conrad | Attorney

### Frey Buck

1200 Fifth Avenue, Ste. 1900  
Seattle, WA 98101  
206-486-8000, Ext. 805  
206-902-9660 (Fax)  
[www.freybuck.com](http://www.freybuck.com)

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---

**From:** Mertens, Matthew (Perkins Coie) <[MMertens@perkinscoie.com](mailto:MMertens@perkinscoie.com)>  
**Sent:** Wednesday, October 9, 2024 10:13 AM  
**To:** Mark Conrad <[mconrad@freybuck.com](mailto:mconrad@freybuck.com)>  
**Cc:** Perez, David A. (Perkins Coie) <[DPerez@perkinscoie.com](mailto:DPerez@perkinscoie.com)>; [Kristofer@rikislaw.com](mailto:Kristofer@rikislaw.com); Trambley, Lauren (Perkins Coie) <[LTrambley@perkinscoie.com](mailto:LTrambley@perkinscoie.com)>; Lauren English <[lenglish@freybuck.com](mailto:lenglish@freybuck.com)>; Ted Buck <[tbuck@freybuck.com](mailto:tbuck@freybuck.com)>; Amber Holmes <[aholmes@freybuck.com](mailto:aholmes@freybuck.com)>  
**Subject:** RE: Social Engineer Initial STR

Mark, I'll get you an up-to-date STR with the proposed review universe based on the 8/01/21 to 8/01/2022 relevant time period.

Thanks,

**Matt Mertens**  
PARTNER

### Perkins Coie

1120 N.W. Couch Street Tenth Floor  
Portland, OR 97209-4128  
[+1.503.727.2199](tel:+15037272199)  
[mmertens@perkinscoie.com](mailto:mmertens@perkinscoie.com)  
[perkinscoie.com](http://perkinscoie.com)

---

**From:** Mark Conrad <[mconrad@freybuck.com](mailto:mconrad@freybuck.com)>  
**Sent:** Tuesday, October 8, 2024 12:37 PM  
**To:** Mertens, Matthew (POR) <[MMertens@perkinscoie.com](mailto:MMertens@perkinscoie.com)>  
**Cc:** Perez, David A. (SEA) <[DPerez@perkinscoie.com](mailto:DPerez@perkinscoie.com)>; [Kristofer@rikislaw.com](mailto:Kristofer@rikislaw.com); Trambley, Lauren (SFO) <[LTrambley@perkinscoie.com](mailto:LTrambley@perkinscoie.com)>; Lauren English <[lenglish@freybuck.com](mailto:lenglish@freybuck.com)>; Ted Buck <[tbuck@freybuck.com](mailto:tbuck@freybuck.com)>; Amber Holmes <[aholmes@freybuck.com](mailto:aholmes@freybuck.com)>

**Subject:** RE: Social Engineer Initial STR

Matt,

I'm looking into the issues we discussed yesterday. Is the attached STR the most up-to-date version? Based on your email, it seems some of the hits were still being processed when the attached was produced. I just want to make sure I'm working with the correct STR.

Also, I'll need client approval on this, and it looks like I won't be able to meet with him until later this afternoon/tomorrow morning. I need to leave a bit early today because it's my son's third birthday, so I may not be able to provide the list of liner vs. timeframe limits until tomorrow.

-Mark

## **Mark R. Conrad | Attorney**

### **Frey Buck**

1200 Fifth Avenue, Ste. 1900  
Seattle, WA 98101  
206-486-8000, Ext. 805  
206-902-9660 (Fax)  
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---

**From:** Mertens, Matthew (Perkins Coie) <[MMertens@perkinscoie.com](mailto:MMertens@perkinscoie.com)>

**Sent:** Thursday, September 26, 2024 5:42 PM

**To:** Mark Conrad <[mconrad@freybuck.com](mailto:mconrad@freybuck.com)>

**Cc:** Perez, David A. (Perkins Coie) <[DPerez@perkinscoie.com](mailto:DPerez@perkinscoie.com)>; Kristofer@rikislaw.com; Trambley, Lauren (Perkins Coie) <[LTrambley@perkinscoie.com](mailto:LTrambley@perkinscoie.com)>; Lauren English <[lenglish@freybuck.com](mailto:lenglish@freybuck.com)>; Ted Buck <[tbuck@freybuck.com](mailto:tbuck@freybuck.com)>; Amber Holmes <[aholmes@freybuck.com](mailto:aholmes@freybuck.com)>

**Subject:** RE: Social Engineer Initial STR

Mark, the attached should have the hit counts for everything except for the "[REDACTED]" term; the [linda@defcon.org](mailto:linda@defcon.org) search; the Marc Rogers emails; and the "Steves" at Black Hat. I don't have the [REDACTED] hits available offhand, but the Linda search is 276 docs with fams; CJ / Marc search is 46 with fams; Steves at Black Hat is 76 with fams; and there are no hits on emails to or from [REDACTED] at either her "zed-one" domain or her S-E domain.

Please let me know if you have any questions. Otherwise, we'll promote these terms for

review and start chugging.

Thanks,

**Matt Mertens**  
PARTNER

**Perkins Coie**

1120 N.W. Couch Street Tenth Floor  
Portland, OR 97209-4128  
[+1.503.727.2199](tel:+15037272199)  
[mmertens@perkinscoie.com](mailto:mmertens@perkinscoie.com)  
[perkinscoie.com](http://perkinscoie.com)

---

**From:** Mertens, Matthew (POR)  
**Sent:** Thursday, September 26, 2024 5:08 PM  
**To:** Mark Conrad <[mconrad@freybuck.com](mailto:mconrad@freybuck.com)>  
**Cc:** Perez, David A. (SEA) <[DPerez@perkinscoie.com](mailto:DPerez@perkinscoie.com)>; [Kristofer@rikislaw.com](mailto:Kristofer@rikislaw.com); Trambley, Lauren (SFO) <[LTrambley@perkinscoie.com](mailto:LTrambley@perkinscoie.com)>; Lauren English <[lenglish@freybuck.com](mailto:lenglish@freybuck.com)>; Ted Buck <[tbuck@freybuck.com](mailto:tbuck@freybuck.com)>; Amber Holmes <[aholmes@freybuck.com](mailto:aholmes@freybuck.com)>  
**Subject:** RE: Social Engineer Initial STR

Hey, Mark—agreed with not needing to provide a privilege log for communications between your firm and your client. That’s eminently reasonable, and we’ll follow suit.

Looks like on the STR that the individual client names (Bank of America, etc.) are still the hit count outliers, so just re-flagging that all we’re looking for there are (1) the contracts themselves, and (2) communications related to the termination of these contracts. We have no expectation that you’re otherwise reviewing those documents for responsiveness.

Regarding the expert depo, does your expert have any dates in the first or second week of October?

Our ESS team is at an offsite conference so their responses will be delayed, but I’ll ping Ken regarding the updated STR and hope to have it for you by EOD tomorrow.

Thanks,

**Matt Mertens**  
PARTNER

**Perkins Coie**

1120 N.W. Couch Street Tenth Floor

Portland, OR 97209-4128  
[+1.503.727.2199](tel:+15037272199)  
[mmertens@perkinscoie.com](mailto:mmertens@perkinscoie.com)  
[perkinscoie.com](http://perkinscoie.com)

---

**From:** Mark Conrad <[mconrad@freybuck.com](mailto:mconrad@freybuck.com)>  
**Sent:** Wednesday, September 25, 2024 12:26 PM  
**To:** Mertens, Matthew (POR) <[MMertens@perkinscoie.com](mailto:MMertens@perkinscoie.com)>  
**Cc:** Perez, David A. (SEA) <[DPerez@perkinscoie.com](mailto:DPerez@perkinscoie.com)>; [Kristofer@rikislaw.com](mailto:Kristofer@rikislaw.com); Trambley, Lauren (SFO) <[LTrambley@perkinscoie.com](mailto:LTrambley@perkinscoie.com)>; Lauren English <[lenglish@freybuck.com](mailto:lenglish@freybuck.com)>; Ted Buck <[tbuck@freybuck.com](mailto:tbuck@freybuck.com)>; Amber Holmes <[aholmes@freybuck.com](mailto:aholmes@freybuck.com)>  
**Subject:** RE: Social Engineer Initial STR

Hi Matt,

Attached is the updated STR for the email data. Anna Truss informed me that the social media accounts are processed, and she will provide a separate STR for those. I'll follow up today to get an ETA on that but wanted to get this over to you in the interim. The revisions to the search terms have significantly reduced the email hit results. I suggest we proceed with Anna transferring the email data sets (which I understand also include Teams) to our firm for review of privilege and responsiveness. Since the data includes our firm's client communications, I don't plan to create a privilege log (nor expect you to), following the model ESI protocol. Let me know your thoughts.

For our expert's deposition, the available dates are November 14, 15, 18, 19, and 20. Please let me know which works best.

Once you have your updated STR, please send it over.

Thanks,  
Mark

**Mark R. Conrad | Attorney**

**Frey Buck**  
1200 Fifth Avenue, Ste. 1900  
Seattle, WA 98101  
206-486-8000, Ext. 805  
206-902-9660 (Fax)  
[www.freybuck.com](http://www.freybuck.com)

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---

**From:** Mertens, Matthew (Perkins Coie) <[MMertens@perkinscoie.com](mailto:MMertens@perkinscoie.com)>

**Sent:** Tuesday, September 17, 2024 6:49 PM

**To:** Mark Conrad <[mconrad@freybuck.com](mailto:mconrad@freybuck.com)>

**Cc:** Perez, David A. (Perkins Coie) <[DPerez@perkinscoie.com](mailto:DPerez@perkinscoie.com)>; [Kristofer@rikislaw.com](mailto:Kristofer@rikislaw.com); Trambley, Lauren (Perkins Coie) <[LTrambley@perkinscoie.com](mailto:LTrambley@perkinscoie.com)>; Lauren English <[lenglish@freybuck.com](mailto:lenglish@freybuck.com)>; Ted Buck <[tbuck@freybuck.com](mailto:tbuck@freybuck.com)>; Amber Holmes <[aholmes@freybuck.com](mailto:aholmes@freybuck.com)>

**Subject:** RE: Social Engineer Initial STR

Hey, Mark—

Following up on my email below. Please find attached Def Con's proposed edits to your search terms. Tab 1 is what you proposed. Tab 2 reflects removal of the broad terms we agreed to remove (custodial terms, Mar, Janet, \*goon, etc.), and it also reflects me attempting to narrow some of the other broad terms we talked about (the Grifter-related terms, the Sugihara term, and the Black Hat term) in a way that is more likely to get you what you're looking for.

- Rather than not reviewing any additional "Black Hat" terms based on the 95/5 sample we performed, I'm proposing that we review all emails in our collection to, from, or cc'ing Steve Oldenbourg or Steve Wylie between 8/01/2021 and 8/01/2022, which is the time period within which Mr. Moss and Def Con may have been discussing Mr. Hadnagay with Mr. Oldenbourg and Mr. Wylie.
- I've added the "Chris" search term to the "Sugihara" term and Grifter-related terms, to try to narrow those terms to conversations that Grifter and/or Mr. Sugihara may have had with others where they mentioned the name "Chris." (Note that Hadnagay, SECOM, Social-Engineer, and S-E are standalone terms, so any hits containing these terms will already be reviewed.)
- I've added a term for emails to/from/cc'ing [linda@defcon.org](mailto:linda@defcon.org) since that's the domain related to the Linda Hatcho/Hatco/etc. search term you proposed, so I think it's a cleaner search.

-----

Turning to the initial search term report you provided in response to our initial requested search terms (STR attached), I propose the following modifications to reasonably narrow the review universe:

- For the "██████" or "██████" terms, limit to 6/01/2021 and thereafter.
- For all the client terms—Synchrony through JPMC on the attached spreadsheet—we don't need anything other than (1) the contracts or POs or work orders with these entities, and (2) communications related to these entities terminating their relationship with S-E. So if you can identify those materials within these search term hits, we don't need any other hits reviewed.

- Drop the term “sexual or criminal”.
- For the Moss/Tangent/DT term, limit to 8/01/2021 and thereafter.
- For the “Black Hat” term, limit to 8/01/2021 and thereafter.
- For the “Netflix” term, limit to 6/01/2021 and thereafter.
- Drop the “Wiley” term.
- For these three terms— ((steal\*) AND ("clients")), ((stole\*) AND ("clients")), and ((compet\*) AND ("business")), can you please rerun them with a “W/5” proximity search, or its functional equivalent if you are not using Relativity to host these documents? That should make them more reasonable.
- Drop the [REDACTED] term.

With these changes, can you please advise of the new proposed review universe?

-----

Happy to talk through these terms and proposed modifications thereto on our call tomorrow.

Thanks,

**Matt Mertens**  
**PARTNER**

**Perkins Coie**

1120 N.W. Couch Street Tenth Floor  
Portland, OR 97209-4128  
[+1.503.727.2199](tel:+15037272199)  
[mmertens@perkinscoie.com](mailto:mmertens@perkinscoie.com)  
[perkinscoie.com](http://perkinscoie.com)

---

**From:** Mertens, Matthew (POR)  
**Sent:** Monday, September 16, 2024 6:58 PM  
**To:** Mark Conrad <[mconrad@freybuck.com](mailto:mconrad@freybuck.com)>  
**Cc:** Perez, David A. (SEA) <[DPerez@perkinscoie.com](mailto:DPerez@perkinscoie.com)>; [Kristofer@riklislaw.com](mailto:Kristofer@riklislaw.com); Trambley, Lauren (SFO) <[LTrambley@perkinscoie.com](mailto:LTrambley@perkinscoie.com)>; Lauren English <[lenglish@freybuck.com](mailto:lenglish@freybuck.com)>; Ted Buck <[tbuck@freybuck.com](mailto:tbuck@freybuck.com)>; Amber Holmes <[aholmes@freybuck.com](mailto:aholmes@freybuck.com)>  
**Subject:** RE: Social Engineer Initial STR

Hey, Mark—

Thanks for the STR. Appreciate it. It’s clear that some of these terms need narrowing. I’ll work on that tomorrow and send you proposed narrowers. I’ve also developed some proposed search terms that I think may be better tailored to what you’re looking for and apply some of



the limiters you suggested for your terms. I'll send those to you tomorrow as well.

I'm free basically at your convenience except between 1:00 pm and 2:00 pm on Wednesday. Let's try to talk then as opposed to Friday.

Separately, can you please provide your expert's availability for deposition in the next couple of weeks?

Thank you,

**Matt Mertens**  
**PARTNER**

**Perkins Coie**

1120 N.W. Couch Street Tenth Floor  
Portland, OR 97209-4128  
[+1.503.727.2199](tel:+15037272199)  
[mmertens@perkinscoie.com](mailto:mmertens@perkinscoie.com)  
[perkinscoie.com](http://perkinscoie.com)

---

**From:** Mark Conrad <[mconrad@freybuck.com](mailto:mconrad@freybuck.com)>

**Sent:** Friday, September 13, 2024 12:31 PM

**To:** Mertens, Matthew (POR) <[MMertens@perkinscoie.com](mailto:MMertens@perkinscoie.com)>

**Cc:** Perez, David A. (SEA) <[DPerez@perkinscoie.com](mailto:DPerez@perkinscoie.com)>; [Kристоfer@rikliślaw.com](mailto:Kристоfer@rikliślaw.com); Trambley, Lauren (SFO) <[LTrambley@perkinscoie.com](mailto:LTrambley@perkinscoie.com)>; Lauren English <[lenglish@freybuck.com](mailto:lenglish@freybuck.com)>; Ted Buck <[tbuck@freybuck.com](mailto:tbuck@freybuck.com)>; Amber Holmes <[aholmes@freybuck.com](mailto:aholmes@freybuck.com)>

**Subject:** Social Engineer Initial STR

Hi Matt,

Anna Truss completed an initial STR for the email inboxes, including Teams communications, which is attached. She's still processing the social media accounts and plans to run the remaining search terms. I tried to schedule a call with her today to review the work, but she's in training all day. We've set a meeting for Monday, though the time is still being finalized. You and I should also meet next week to discuss next steps. I'm available on 9/18 and 9/20—let me know what works for you.

Thanks,

**Mark R. Conrad | Attorney**

**Frey Buck**  
1200 Fifth Avenue, Ste. 1900  
Seattle, WA 98101  
206-486-8000, Ext. 805

206-902-9660 (Fax)  
[www.freybuck.com](http://www.freybuck.com)

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**From:** Trambley, Lauren (Perkins Coie) <[LTrambley@perkinscoie.com](mailto:LTrambley@perkinscoie.com)>  
**Sent:** Friday, September 13, 2024 10:53 AM  
**To:** Lauren English <[lenglish@freybuck.com](mailto:lenglish@freybuck.com)>; Ted Buck <[tbuck@freybuck.com](mailto:tbuck@freybuck.com)>; Mark Conrad <[mconrad@freybuck.com](mailto:mconrad@freybuck.com)>; Amber Holmes <[aholmes@freybuck.com](mailto:aholmes@freybuck.com)>  
**Cc:** Perez, David A. (Perkins Coie) <[DPerez@perkinscoie.com](mailto:DPerez@perkinscoie.com)>; Mertens, Matthew (Perkins Coie) <[MMertens@perkinscoie.com](mailto:MMertens@perkinscoie.com)>  
**Subject:** RE: Hadnag v. Def Con || Service of third-party deposition subpoenas

Counsel,

Please find attached for your records the deposition subpoena that we served on [REDACTED] today. Ms. [REDACTED] agreed to accept service by email and may be contacted through counsel.

Thank you,

**Lauren Trambley** | ASSOCIATE | **Perkins Coie**  
505 Howard Street Suite 1000  
San Francisco, CA 94105-3204  
+1.415.344.7140  
[ltrambley@perkinscoie.com](mailto:ltrambley@perkinscoie.com)

---

**From:** Trambley, Lauren (SFO) <[LTrambley@perkinscoie.com](mailto:LTrambley@perkinscoie.com)>  
**Sent:** Thursday, September 12, 2024 12:51 PM  
**To:** Lauren English <[lenglish@freybuck.com](mailto:lenglish@freybuck.com)>; Ted Buck <[tbuck@freybuck.com](mailto:tbuck@freybuck.com)>; Mark Conrad <[mconrad@freybuck.com](mailto:mconrad@freybuck.com)>; Amber Holmes <[aholmes@freybuck.com](mailto:aholmes@freybuck.com)>  
**Cc:** Perez, David A. (SEA) <[DPerez@perkinscoie.com](mailto:DPerez@perkinscoie.com)>; Mertens, Matthew (POR) <[MMertens@perkinscoie.com](mailto:MMertens@perkinscoie.com)>  
**Subject:** RE: Hadnag v. Def Con || Service of third-party deposition subpoenas

Counsel,

Please find attached for your records the deposition subpoena that we served on [REDACTED] today. Ms. [REDACTED] agreed to accept service by email.

Thank you,

**Lauren Trambley** | ASSOCIATE | **Perkins Coie**

505 Howard Street Suite 1000  
San Francisco, CA 94105-3204  
[+1.415.344.7140](tel:+14153447140)  
[ltrambley@perkinscoie.com](mailto:ltrambley@perkinscoie.com)

---

**From:** Mertens, Matthew (POR) <[MMertens@perkinscoie.com](mailto:MMertens@perkinscoie.com)>  
**Sent:** Friday, August 30, 2024 6:40 PM  
**To:** Lauren English <[lenglish@freybuck.com](mailto:lenglish@freybuck.com)>; Ted Buck <[tbuck@freybuck.com](mailto:tbuck@freybuck.com)>; Mark Conrad <[mconrad@freybuck.com](mailto:mconrad@freybuck.com)>; Amber Holmes <[aholmes@freybuck.com](mailto:aholmes@freybuck.com)>  
**Cc:** Perez, David A. (SEA) <[DPerez@perkinscoie.com](mailto:DPerez@perkinscoie.com)>; Trambley, Lauren (SFO) <[LTrambley@perkinscoie.com](mailto:LTrambley@perkinscoie.com)>  
**Subject:** RE: Hadnag v. Def Con || Service of third-party deposition subpoenas

Mark and Lauren—

Please find attached for your records the deposition subpoena that we served on [REDACTED] today. Ms. [REDACTED] agreed to accept service by email.

Thank you,

**Matt Mertens**  
PARTNER

**Perkins Coie**  
1120 N.W. Couch Street Tenth Floor  
Portland, OR 97209-4128  
[+1.503.727.2199](tel:+15037272199)  
[mmertens@perkinscoie.com](mailto:mmertens@perkinscoie.com)  
[perkinscoie.com](http://perkinscoie.com)

---

**From:** Mertens, Matthew (POR) <[MMertens@perkinscoie.com](mailto:MMertens@perkinscoie.com)>  
**Sent:** Friday, August 30, 2024 12:07 PM  
**To:** Lauren English <[lenglish@freybuck.com](mailto:lenglish@freybuck.com)>; Ted Buck <[tbuck@freybuck.com](mailto:tbuck@freybuck.com)>; Mark Conrad <[mconrad@freybuck.com](mailto:mconrad@freybuck.com)>; Amber Holmes <[aholmes@freybuck.com](mailto:aholmes@freybuck.com)>  
**Cc:** Perez, David A. (SEA) <[DPerez@perkinscoie.com](mailto:DPerez@perkinscoie.com)>; Trambley, Lauren (SFO) <[LTrambley@perkinscoie.com](mailto:LTrambley@perkinscoie.com)>  
**Subject:** Hadnag v. Def Con || Service of third-party deposition subpoenas

Mark and Lauren—

Please find attached for your records deposition subpoenas that we have served on [REDACTED] [REDACTED] and [REDACTED]. Ms. [REDACTED] and Ms. [REDACTED] agreed to accept service by email.

We will respond separately to Lauren's August 23, 2024, email regarding Plaintiffs' LCR 37 requests in the near future.

Thank you,

**Matt Mertens**  
**PARTNER**

**Perkins Coie**

1120 N.W. Couch Street Tenth Floor  
Portland, OR 97209-4128  
[+1.503.727.2199](tel:+15037272199)  
[mmertens@perkinscoie.com](mailto:mmertens@perkinscoie.com)  
[perkinscoie.com](http://perkinscoie.com)

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# Exhibit 5

**From:** [Mertens, Matthew \(POR\)](#)  
**To:** [Mark Conrad](#)  
**Cc:** [Perez, David A. \(SEA\)](#); [Kristofer@riklislaw.com](mailto:Kristofer@riklislaw.com); [Trambley, Lauren \(SFO\)](#); [Lauren English](#); [Ted Buck](#); [Amber Holmes](#)  
**Subject:** RE: Social Engineer Initial STR  
**Date:** Friday, October 25, 2024 2:46:09 PM

---

Mark, following up here. Please advise on your position regarding the extension below. We'd prefer to avoid unnecessary disputed motions practice on this.

Thanks,

**Matt Mertens**  
PARTNER

**Perkins Coie**

1120 N.W. Couch Street Tenth Floor  
Portland, OR 97209-4128  
[+1.503.727.2199](tel:+15037272199)  
[mmertens@perkinscoie.com](mailto:mmertens@perkinscoie.com)  
[perkinscoie.com](http://perkinscoie.com)

---

**From:** Mertens, Matthew (POR)  
**Sent:** Wednesday, October 23, 2024 3:09 PM  
**To:** Mark Conrad <mconrad@freybuck.com>  
**Cc:** Perez, David A. (SEA) <DPerez@perkinscoie.com>; Kristofer@riklislaw.com; Trambley, Lauren (SFO) <LTrambley@perkinscoie.com>; Lauren English <lenglish@freybuck.com>; Ted Buck <tbuck@freybuck.com>; Amber Holmes <aholmes@freybuck.com>  
**Subject:** RE: Social Engineer Initial STR

Hey, Mark—

I'm following up with an update on our document production and also a discussion of the need to extend the case schedule by approximately 60 days.

First, you should have now received Jeff Moss's Signal messages responsive to your RFPs. As I told you in conferral and will mention again now, these messages comprise the majority of the remaining documents directly responsive to your RFPs. There are a handful of additional emails that are technically responsive but not central to your claims. We will produce those this week, too.

Second, we are less than two months out from the close of discovery and only a few short weeks away from the discovery motion cutoff on November 15. However, we have yet to receive the bulk of Plaintiffs' document production. Defendants will need time to review those

documents and engage in any further meet and confers, if needed, to resolve any deficiencies. Defendants also cannot depose Mr. Hadnagy until they have received and reviewed these documents.

Given the upcoming holidays, we need to push out the current case deadlines in order to allow the parties sufficient time to review documents, engage in any further meet and confers, and complete key depositions before the discovery cut off.

We will put together a stipulation extending the current case deadlines with the following proposed deadlines:

Event	Current Deadline	Proposed Deadline
Close of discovery	December 13, 2024	February 13, 2025
Discovery motions	November 15, 2024	February 28, 2025
<i>Daubert</i> motions	January 10, 2025	March 14, 2025
Dispositive motions	January 10, 2025	March 14, 2025
Mediation	January 24, 2025	March 28, 2025
Plaintiffs' Pre-Trial Statement	February 3, 2025	April 4, 2025
Defendants' Pre-Trial Statement	February 17, 2025	April 18, 2025
Motions in Limine	February 17, 2025	April 18, 2025
Agreed CR 16.1 Pretrial Order	March 21, 2025	May 23, 2025
Pretrial Conference	TBD	TBD
Jury Trial	April 28, 2025	July 28, 2025

Please let us know if you have any proposed adjustments to these dates. Otherwise, we will circulate a draft.

Thanks,

**Matt Mertens**  
PARTNER

**Perkins Coie**

1120 N.W. Couch Street Tenth Floor  
Portland, OR 97209-4128  
[+1.503.727.2199](tel:+15037272199)  
[mmertens@perkinscoie.com](mailto:mmertens@perkinscoie.com)  
[perkinscoie.com](http://perkinscoie.com)

---

**From:** Mark Conrad <[mconrad@freybuck.com](mailto:mconrad@freybuck.com)>

**Sent:** Friday, October 11, 2024 11:46 AM



**To:** Mertens, Matthew (POR) <[MMertens@perkinscoie.com](mailto:MMertens@perkinscoie.com)>

**Cc:** Perez, David A. (SEA) <[DPerez@perkinscoie.com](mailto:DPerez@perkinscoie.com)>; Kristofer@rikislaw.com; Trambley, Lauren (SFO) <[LTrambley@perkinscoie.com](mailto:LTrambley@perkinscoie.com)>; Lauren English <[english@freybuck.com](mailto:english@freybuck.com)>; Ted Buck <[tbuck@freybuck.com](mailto:tbuck@freybuck.com)>; Amber Holmes <[aholmes@freybuck.com](mailto:aholmes@freybuck.com)>

**Subject:** RE: Social Engineer Initial STR

Matt,

I've reviewed this and we agree to the additional date restrictions for the specific terms indicated below. Ultimately, we expect Defendants to produce documents responsive to our discovery requests. I don't believe this will require a linear review of all documents, as many responsive documents should be identifiable by running searches in the current data set. Many of our RFPs already include five-year date restrictions, which will further narrow the scope of data for review.

We're in a similar position, with a data set containing 32,970 documents that we need to review to determine responsiveness to over 70 RFPs. One approach that could simplify matters is to review the data for attorney-client/work product confidentiality and produce all "positive hits" of the propounded search terms, as the court previously ordered, but I'm going to maintain the current course as we discussed.

Here are the terms and date restrictions:

- [REDACTED] or [REDACTED] 06/01/2021 - present
- Grifter and Chris: 06/01/2021 - present
- Neil and Chris: 06/01/2021 - present
- SE: 06/01/2021 - present
- Sugihara and Chris: 06/01/2021 - present
- Melanie Ensign and Wednesday: 06/01/2021 - present

We also reserve the right to revert to the original data set production without limiters after reviewing any materials produced.

Thanks

**Mark R. Conrad | Attorney**

**Frey Buck**

1200 Fifth Avenue, Ste. 1900

Seattle, WA 98101

206-486-8000, Ext. 805

206-902-9660 (Fax)

[www.freybuck.com](http://www.freybuck.com)

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**From:** Mertens, Matthew (Perkins Coie) <[MMertens@perkinscoie.com](mailto:MMertens@perkinscoie.com)>

**Sent:** Thursday, October 10, 2024 9:39 AM

**To:** Mark Conrad <[mconrad@freybuck.com](mailto:mconrad@freybuck.com)>

**Cc:** Perez, David A. (Perkins Coie) <[DPerez@perkinscoie.com](mailto:DPerez@perkinscoie.com)>; [Kristofer@rikislaw.com](mailto:Kristofer@rikislaw.com); Trambley, Lauren (Perkins Coie) <[LTrambley@perkinscoie.com](mailto:LTrambley@perkinscoie.com)>; Lauren English <[lenglish@freybuck.com](mailto:lenglish@freybuck.com)>; Ted Buck <[tbuck@freybuck.com](mailto:tbuck@freybuck.com)>; Amber Holmes <[aholmes@freybuck.com](mailto:aholmes@freybuck.com)>

**Subject:** RE: Social Engineer Initial STR

Mark, per the below—please see attached. 3,563 documents family-inclusive with the date limiter applied, and 26,915 without the date limiter applied. As discussed, we are not applying the date limiter to Jeff's Signal messages, since relevant Signal messages were exchanged outside of the 8/01/2021 to 8/01/2022 period.

For the email-domain-specific hits with the date limiter applied:

Email search hits within 8/1/21 – 8/1/22 date range (94 total email hits due to overlap):

- [steve.oldenbourg@ubm.com](mailto:steve.oldenbourg@ubm.com) – 0 hits
- [steve.wylie@ubm.com](mailto:steve.wylie@ubm.com) – 0 hits
- [steve.wylie@informa.com](mailto:steve.wylie@informa.com) – 42 hits
- [steve.oldenbourg@informa.com](mailto:steve.oldenbourg@informa.com) – 65 hits
- [linda@defcon.org](mailto:linda@defcon.org) – 0 hits
- [marcwrogers@gmail.com](mailto:marcwrogers@gmail.com) – 23 hits
- [marc@closed-networks.com](mailto:marc@closed-networks.com) – 0 hits
- [marc@cloudflare.com](mailto:marc@cloudflare.com) – 0 hits

For the email-domain-specific hits without the date limiter applied:

Email search hits with no date range (1,310 total email hits due to overlap):

- [steve.oldenbourg@ubm.com](mailto:steve.oldenbourg@ubm.com) – 399 hits
- [steve.wylie@ubm.com](mailto:steve.wylie@ubm.com) – 387 hits
- [steve.wylie@informa.com](mailto:steve.wylie@informa.com) – 178 hits
- [steve.oldenbourg@informa.com](mailto:steve.oldenbourg@informa.com) – 337 hits
- [linda@defcon.org](mailto:linda@defcon.org) – 276 hits
- [marcwrogers@gmail.com](mailto:marcwrogers@gmail.com) – 89 hits
- [marc@closed-networks.com](mailto:marc@closed-networks.com) – 57 hits
- [marc@cloudflare.com](mailto:marc@cloudflare.com) – 34 hits

Please let me know if you have any additional questions. We really want to launch this review and get you any additional responsive documents timely, so we can wrap up document

discovery and hopefully keep the case schedule intact.

Thanks,

**Matt Mertens**  
PARTNER

**Perkins Coie**

1120 N.W. Couch Street Tenth Floor  
Portland, OR 97209-4128  
[+1.503.727.2199](tel:+15037272199)  
[mmertens@perkinscoie.com](mailto:mmertens@perkinscoie.com)  
[perkinscoie.com](http://perkinscoie.com)

---

**From:** Mertens, Matthew (POR)  
**Sent:** Wednesday, October 9, 2024 10:49 AM  
**To:** Mark Conrad <[mconrad@freybuck.com](mailto:mconrad@freybuck.com)>  
**Cc:** Perez, David A. (SEA) <[DPerez@perkinscoie.com](mailto:DPerez@perkinscoie.com)>; [Kristofer@riklistlaw.com](mailto:Kristofer@riklistlaw.com); Trambley, Lauren (SFO) <[LTrambley@perkinscoie.com](mailto:LTrambley@perkinscoie.com)>; Lauren English <[english@freybuck.com](mailto:english@freybuck.com)>; Ted Buck <[tbuck@freybuck.com](mailto:tbuck@freybuck.com)>; Amber Holmes <[aholmes@freybuck.com](mailto:aholmes@freybuck.com)>  
**Subject:** RE: Social Engineer Initial STR

Got it; we'll generate an STR with all hits and also generate an STR with the time limitation so you can compare.

**Matt Mertens**  
PARTNER

**Perkins Coie**

1120 N.W. Couch Street Tenth Floor  
Portland, OR 97209-4128  
[+1.503.727.2199](tel:+15037272199)  
[mmertens@perkinscoie.com](mailto:mmertens@perkinscoie.com)  
[perkinscoie.com](http://perkinscoie.com)

---

**From:** Mark Conrad <[mconrad@freybuck.com](mailto:mconrad@freybuck.com)>  
**Sent:** Wednesday, October 9, 2024 10:41 AM  
**To:** Mertens, Matthew (POR) <[MMertens@perkinscoie.com](mailto:MMertens@perkinscoie.com)>  
**Cc:** Perez, David A. (SEA) <[DPerez@perkinscoie.com](mailto:DPerez@perkinscoie.com)>; [Kristofer@riklistlaw.com](mailto:Kristofer@riklistlaw.com); Trambley, Lauren (SFO) <[LTrambley@perkinscoie.com](mailto:LTrambley@perkinscoie.com)>; Lauren English <[english@freybuck.com](mailto:english@freybuck.com)>; Ted Buck <[tbuck@freybuck.com](mailto:tbuck@freybuck.com)>; Amber Holmes <[aholmes@freybuck.com](mailto:aholmes@freybuck.com)>  
**Subject:** RE: Social Engineer Initial STR

I was hoping to get the final STR without the time limitation applied yet, as I want to review it and determine which search terms should have an additional time limiter. I also want to make sure I'm looking at the final version of the STR, since your email indicated that the terms "[REDACTED] the "linda@defcon.org" search, the Marc Rogers emails, and the "Steves at Black Hat" weren't included yet.

## Mark R. Conrad | Attorney

### Frey Buck

1200 Fifth Avenue, Ste. 1900  
Seattle, WA 98101  
206-486-8000, Ext. 805  
206-902-9660 (Fax)  
[www.freybuck.com](http://www.freybuck.com)

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---

**From:** Mertens, Matthew (Perkins Coie) <[MMertens@perkinscoie.com](mailto:MMertens@perkinscoie.com)>  
**Sent:** Wednesday, October 9, 2024 10:13 AM  
**To:** Mark Conrad <[mconrad@freybuck.com](mailto:mconrad@freybuck.com)>  
**Cc:** Perez, David A. (Perkins Coie) <[DPerez@perkinscoie.com](mailto:DPerez@perkinscoie.com)>; [Kristofer@rikislaw.com](mailto:Kristofer@rikislaw.com); Trambley, Lauren (Perkins Coie) <[LTrambley@perkinscoie.com](mailto:LTrambley@perkinscoie.com)>; Lauren English <[lenglish@freybuck.com](mailto:lenglish@freybuck.com)>; Ted Buck <[tbuck@freybuck.com](mailto:tbuck@freybuck.com)>; Amber Holmes <[aholmes@freybuck.com](mailto:aholmes@freybuck.com)>  
**Subject:** RE: Social Engineer Initial STR

Mark, I'll get you an up-to-date STR with the proposed review universe based on the 8/01/21 to 8/01/2022 relevant time period.

Thanks,

**Matt Mertens**  
PARTNER

### Perkins Coie

1120 N.W. Couch Street Tenth Floor  
Portland, OR 97209-4128  
[+1.503.727.2199](tel:+15037272199)  
[mmertens@perkinscoie.com](mailto:mmertens@perkinscoie.com)  
[perkinscoie.com](http://perkinscoie.com)

---

**From:** Mark Conrad <[mconrad@freybuck.com](mailto:mconrad@freybuck.com)>

**Sent:** Tuesday, October 8, 2024 12:37 PM

**To:** Mertens, Matthew (POR) <[MMertens@perkinscoie.com](mailto:MMertens@perkinscoie.com)>

**Cc:** Perez, David A. (SEA) <[DPerez@perkinscoie.com](mailto:DPerez@perkinscoie.com)>; Kristofer@riklislaw.com; Trambley, Lauren (SFO) <[LTrambley@perkinscoie.com](mailto:LTrambley@perkinscoie.com)>; Lauren English <[lenglish@freybuck.com](mailto:lenglish@freybuck.com)>; Ted Buck <[tbuck@freybuck.com](mailto:tbuck@freybuck.com)>; Amber Holmes <[aholmes@freybuck.com](mailto:aholmes@freybuck.com)>

**Subject:** RE: Social Engineer Initial STR

Matt,

I'm looking into the issues we discussed yesterday. Is the attached STR the most up-to-date version? Based on your email, it seems some of the hits were still being processed when the attached was produced. I just want to make sure I'm working with the correct STR.

Also, I'll need client approval on this, and it looks like I won't be able to meet with him until later this afternoon/tomorrow morning. I need to leave a bit early today because it's my son's third birthday, so I may not be able to provide the list of liner vs. timeframe limits until tomorrow.

-Mark

## Mark R. Conrad | Attorney

### Frey Buck

1200 Fifth Avenue, Ste. 1900  
Seattle, WA 98101  
206-486-8000, Ext. 805  
206-902-9660 (Fax)  
[www.freybuck.com](http://www.freybuck.com)

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---

**From:** Mertens, Matthew (Perkins Coie) <[MMertens@perkinscoie.com](mailto:MMertens@perkinscoie.com)>

**Sent:** Thursday, September 26, 2024 5:42 PM

**To:** Mark Conrad <[mconrad@freybuck.com](mailto:mconrad@freybuck.com)>

**Cc:** Perez, David A. (Perkins Coie) <[DPerez@perkinscoie.com](mailto:DPerez@perkinscoie.com)>; Kristofer@riklislaw.com; Trambley, Lauren (Perkins Coie) <[LTrambley@perkinscoie.com](mailto:LTrambley@perkinscoie.com)>; Lauren English <[lenglish@freybuck.com](mailto:lenglish@freybuck.com)>; Ted Buck <[tbuck@freybuck.com](mailto:tbuck@freybuck.com)>; Amber Holmes <[aholmes@freybuck.com](mailto:aholmes@freybuck.com)>

**Subject:** RE: Social Engineer Initial STR

Mark, the attached should have the hit counts for everything except for the "[REDACTED]" term; the [linda@defcon.org](mailto:linda@defcon.org) search; the Marc Rogers emails; and the "Steves" at Black Hat. I don't have the [REDACTED] hits available offhand, but the Linda search is 276 docs with fams; CJ / Marc

search is 46 with fams; Steves at Black Hat is 76 with fams; and there are no hits on emails to or from [REDACTED] at either her “zed-one” domain or her S-E domain.

Please let me know if you have any questions. Otherwise, we’ll promote these terms for review and start chugging.

Thanks,

**Matt Mertens**  
PARTNER

**Perkins Coie**

1120 N.W. Couch Street Tenth Floor  
Portland, OR 97209-4128  
[+1.503.727.2199](tel:+15037272199)  
[mmertens@perkinscoie.com](mailto:mmertens@perkinscoie.com)  
[perkinscoie.com](http://perkinscoie.com)

---

**From:** Mertens, Matthew (POR)  
**Sent:** Thursday, September 26, 2024 5:08 PM  
**To:** Mark Conrad <[mconrad@freybuck.com](mailto:mconrad@freybuck.com)>  
**Cc:** Perez, David A. (SEA) <[DPerez@perkinscoie.com](mailto:DPerez@perkinscoie.com)>; [Kristofer@rikislaw.com](mailto:Kristofer@rikislaw.com); Trambley, Lauren (SFO) <[LTrambley@perkinscoie.com](mailto:LTrambley@perkinscoie.com)>; Lauren English <[lenglish@freybuck.com](mailto:lenglish@freybuck.com)>; Ted Buck <[tbuck@freybuck.com](mailto:tbuck@freybuck.com)>; Amber Holmes <[aholmes@freybuck.com](mailto:aholmes@freybuck.com)>  
**Subject:** RE: Social Engineer Initial STR

Hey, Mark—agreed with not needing to provide a privilege log for communications between your firm and your client. That’s eminently reasonable, and we’ll follow suit.

Looks like on the STR that the individual client names (Bank of America, etc.) are still the hit count outliers, so just re-flagging that all we’re looking for there are (1) the contracts themselves, and (2) communications related to the termination of these contracts. We have no expectation that you’re otherwise reviewing those documents for responsiveness.

Regarding the expert depo, does your expert have any dates in the first or second week of October?

Our ESS team is at an offsite conference so their responses will be delayed, but I’ll ping Ken regarding the updated STR and hope to have it for you by EOD tomorrow.

Thanks,

**Matt Mertens**  
PARTNER

**Perkins Coie**

1120 N.W. Couch Street Tenth Floor  
Portland, OR 97209-4128  
[+1.503.727.2199](tel:+15037272199)  
[mmertens@perkinscoie.com](mailto:mmertens@perkinscoie.com)  
[perkinscoie.com](http://perkinscoie.com)

---

**From:** Mark Conrad <[mconrad@freybuck.com](mailto:mconrad@freybuck.com)>  
**Sent:** Wednesday, September 25, 2024 12:26 PM  
**To:** Mertens, Matthew (POR) <[MMertens@perkinscoie.com](mailto:MMertens@perkinscoie.com)>  
**Cc:** Perez, David A. (SEA) <[DPerez@perkinscoie.com](mailto:DPerez@perkinscoie.com)>; [Kristofer@rikliislaw.com](mailto:Kristofer@rikliislaw.com); Trambley, Lauren (SFO) <[LTrambley@perkinscoie.com](mailto:LTrambley@perkinscoie.com)>; Lauren English <[lenglish@freybuck.com](mailto:lenglish@freybuck.com)>; Ted Buck <[tbuck@freybuck.com](mailto:tbuck@freybuck.com)>; Amber Holmes <[aholmes@freybuck.com](mailto:aholmes@freybuck.com)>  
**Subject:** RE: Social Engineer Initial STR

Hi Matt,

Attached is the updated STR for the email data. Anna Truss informed me that the social media accounts are processed, and she will provide a separate STR for those. I'll follow up today to get an ETA on that but wanted to get this over to you in the interim. The revisions to the search terms have significantly reduced the email hit results. I suggest we proceed with Anna transferring the email data sets (which I understand also include Teams) to our firm for review of privilege and responsiveness. Since the data includes our firm's client communications, I don't plan to create a privilege log (nor expect you to), following the model ESI protocol. Let me know your thoughts.

For our expert's deposition, the available dates are November 14, 15, 18, 19, and 20. Please let me know which works best.

Once you have your updated STR, please send it over.

Thanks,  
Mark

**Mark R. Conrad | Attorney**

**Frey Buck**  
1200 Fifth Avenue, Ste. 1900  
Seattle, WA 98101  
206-486-8000, Ext. 805  
206-902-9660 (Fax)  
[www.freybuck.com](http://www.freybuck.com)

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**From:** Mertens, Matthew (Perkins Coie) <[MMertens@perkinscoie.com](mailto:MMertens@perkinscoie.com)>

**Sent:** Tuesday, September 17, 2024 6:49 PM

**To:** Mark Conrad <[mconrad@freybuck.com](mailto:mconrad@freybuck.com)>

**Cc:** Perez, David A. (Perkins Coie) <[DPerez@perkinscoie.com](mailto:DPerez@perkinscoie.com)>; [Kristofer@riklistlaw.com](mailto:Kristofer@riklistlaw.com); Trambley, Lauren (Perkins Coie) <[LTrambley@perkinscoie.com](mailto:LTrambley@perkinscoie.com)>; Lauren English <[lenglish@freybuck.com](mailto:lenglish@freybuck.com)>; Ted Buck <[tbuck@freybuck.com](mailto:tbuck@freybuck.com)>; Amber Holmes <[aholmes@freybuck.com](mailto:aholmes@freybuck.com)>

**Subject:** RE: Social Engineer Initial STR

Hey, Mark—

Following up on my email below. Please find attached Def Con's proposed edits to your search terms. Tab 1 is what you proposed. Tab 2 reflects removal of the broad terms we agreed to remove (custodial terms, Mar, Janet, \*goon, etc.), and it also reflects me attempting to narrow some of the other broad terms we talked about (the Grifter-related terms, the Sugihara term, and the Black Hat term) in a way that is more likely to get you what you're looking for.

- Rather than not reviewing any additional "Black Hat" terms based on the 95/5 sample we performed, I'm proposing that we review all emails in our collection to, from, or cc'ing Steve Oldenbourg or Steve Wylie between 8/01/2021 and 8/01/2022, which is the time period within which Mr. Moss and Def Con may have been discussing Mr. Hadnagy with Mr. Oldenbourg and Mr. Wylie.
- I've added the "Chris" search term to the "Sugihara" term and Grifter-related terms, to try to narrow those terms to conversations that Grifter and/or Mr. Sugihara may have had with others where they mentioned the name "Chris." (Note that Hadnagy, SECOM, Social-Engineer, and S-E are standalone terms, so any hits containing these terms will already be reviewed.)
- I've added a term for emails to/from/cc'ing [linda@defcon.org](mailto:linda@defcon.org) since that's the domain related to the Linda Hatcho/Hatco/etc. search term you proposed, so I think it's a cleaner search.

-----

Turning to the initial search term report you provided in response to our initial requested search terms (STR attached), I propose the following modifications to reasonably narrow the review universe:

- For the "██████" or "██████" terms, limit to 6/01/2021 and thereafter.



- For all the client terms—Synchrony through JPMC on the attached spreadsheet—we don't need anything other than (1) the contracts or POs or work orders with these entities, and (2) communications related to these entities terminating their relationship with S-E. So if you can identify those materials within these search term hits, we don't need any other hits reviewed.
- Drop the term "sexual or criminal".
- For the Moss/Tangent/DT term, limit to 8/01/2021 and thereafter.
- For the "Black Hat" term, limit to 8/01/2021 and thereafter.
- For the "Netflix" term, limit to 6/01/2021 and thereafter.
- Drop the "Wiley" term.
- For these three terms— ((steal\*) AND ("clients")), ((stole\*) AND ("clients")), and ((compet\*) AND ("business")), can you please rerun them with a "W/5" proximity search, or its functional equivalent if you are not using Relativity to host these documents? That should make them more reasonable.
- Drop the [REDACTED] term.

With these changes, can you please advise of the new proposed review universe?

-----

Happy to talk through these terms and proposed modifications thereto on our call tomorrow.

Thanks,

**Matt Mertens**  
**PARTNER**

**Perkins Coie**

1120 N.W. Couch Street Tenth Floor  
Portland, OR 97209-4128  
[+1.503.727.2199](tel:+15037272199)  
[mmertens@perkinscoie.com](mailto:mmertens@perkinscoie.com)  
[perkinscoie.com](http://perkinscoie.com)

---

**From:** Mertens, Matthew (POR)  
**Sent:** Monday, September 16, 2024 6:58 PM  
**To:** Mark Conrad <[mconrad@freybuck.com](mailto:mconrad@freybuck.com)>  
**Cc:** Perez, David A. (SEA) <[DPerez@perkinscoie.com](mailto:DPerez@perkinscoie.com)>; [Kristofer@rikislaw.com](mailto:Kristofer@rikislaw.com); Trambley, Lauren (SFO) <[LTrambley@perkinscoie.com](mailto:LTrambley@perkinscoie.com)>; Lauren English <[lenglish@freybuck.com](mailto:lenglish@freybuck.com)>; Ted Buck <[tbuck@freybuck.com](mailto:tbuck@freybuck.com)>; Amber Holmes <[aholmes@freybuck.com](mailto:aholmes@freybuck.com)>  
**Subject:** RE: Social Engineer Initial STR

Hey, Mark—

Thanks for the STR. Appreciate it. It's clear that some of these terms need narrowing. I'll work on that tomorrow and send you proposed narrowers. I've also developed some proposed search terms that I think may be better tailored to what you're looking for and apply some of the limiters you suggested for your terms. I'll send those to you tomorrow as well.

I'm free basically at your convenience except between 1:00 pm and 2:00 pm on Wednesday. Let's try to talk then as opposed to Friday.

Separately, can you please provide your expert's availability for deposition in the next couple of weeks?

Thank you,

**Matt Mertens**  
**PARTNER**

**Perkins Coie**

1120 N.W. Couch Street Tenth Floor  
Portland, OR 97209-4128  
[+1.503.727.2199](tel:+15037272199)  
[mmertens@perkinscoie.com](mailto:mmertens@perkinscoie.com)  
[perkinscoie.com](http://perkinscoie.com)

---

**From:** Mark Conrad <[mconrad@freybuck.com](mailto:mconrad@freybuck.com)>

**Sent:** Friday, September 13, 2024 12:31 PM

**To:** Mertens, Matthew (POR) <[MMertens@perkinscoie.com](mailto:MMertens@perkinscoie.com)>

**Cc:** Perez, David A. (SEA) <[DPerez@perkinscoie.com](mailto:DPerez@perkinscoie.com)>; [Kristofer@rikislaw.com](mailto:Kristofer@rikislaw.com); Trambley, Lauren (SFO) <[LTrambley@perkinscoie.com](mailto:LTrambley@perkinscoie.com)>; Lauren English <[lenglish@freybuck.com](mailto:lenglish@freybuck.com)>; Ted Buck <[tbuck@freybuck.com](mailto:tbuck@freybuck.com)>; Amber Holmes <[aholmes@freybuck.com](mailto:aholmes@freybuck.com)>

**Subject:** Social Engineer Initial STR

Hi Matt,

Anna Truss completed an initial STR for the email inboxes, including Teams communications, which is attached. She's still processing the social media accounts and plans to run the remaining search terms. I tried to schedule a call with her today to review the work, but she's in training all day. We've set a meeting for Monday, though the time is still being finalized. You and I should also meet next week to discuss next steps. I'm available on 9/18 and 9/20—let me know what works for you.

Thanks,

**Mark R. Conrad | Attorney**

**Frey Buck**

1200 Fifth Avenue, Ste. 1900  
Seattle, WA 98101  
206-486-8000, Ext. 805  
206-902-9660 (Fax)  
[www.freybuck.com](http://www.freybuck.com)

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**From:** Trambley, Lauren (Perkins Coie) <[LTrambley@perkinscoie.com](mailto:LTrambley@perkinscoie.com)>  
**Sent:** Friday, September 13, 2024 10:53 AM  
**To:** Lauren English <[english@freybuck.com](mailto:english@freybuck.com)>; Ted Buck <[tbuck@freybuck.com](mailto:tbuck@freybuck.com)>; Mark Conrad <[mconrad@freybuck.com](mailto:mconrad@freybuck.com)>; Amber Holmes <[aholmes@freybuck.com](mailto:aholmes@freybuck.com)>  
**Cc:** Perez, David A. (Perkins Coie) <[DPerez@perkinscoie.com](mailto:DPerez@perkinscoie.com)>; Mertens, Matthew (Perkins Coie) <[MMertens@perkinscoie.com](mailto:MMertens@perkinscoie.com)>  
**Subject:** RE: Hadnag v. Def Con || Service of third-party deposition subpoenas

Counsel,

Please find attached for your records the deposition subpoena that we served on [REDACTED] today. Ms. [REDACTED] agreed to accept service by email and may be contacted through counsel.

Thank you,

**Lauren Trambley | ASSOCIATE | Perkins Coie**

505 Howard Street Suite 1000  
San Francisco, CA 94105-3204  
+1.415.344.7140  
[ltrambley@perkinscoie.com](mailto:ltrambley@perkinscoie.com)

---

**From:** Trambley, Lauren (SFO) <[LTrambley@perkinscoie.com](mailto:LTrambley@perkinscoie.com)>  
**Sent:** Thursday, September 12, 2024 12:51 PM  
**To:** Lauren English <[english@freybuck.com](mailto:english@freybuck.com)>; Ted Buck <[tbuck@freybuck.com](mailto:tbuck@freybuck.com)>; Mark Conrad <[mconrad@freybuck.com](mailto:mconrad@freybuck.com)>; Amber Holmes <[aholmes@freybuck.com](mailto:aholmes@freybuck.com)>  
**Cc:** Perez, David A. (SEA) <[DPerez@perkinscoie.com](mailto:DPerez@perkinscoie.com)>; Mertens, Matthew (POR) <[MMertens@perkinscoie.com](mailto:MMertens@perkinscoie.com)>  
**Subject:** RE: Hadnag v. Def Con || Service of third-party deposition subpoenas

Counsel,

Please find attached for your records the deposition subpoena that we served on [REDACTED] today. Ms. [REDACTED] agreed to accept service by email.

Thank you,

**Lauren Trambley** | ASSOCIATE | **Perkins Coie**

505 Howard Street Suite 1000  
San Francisco, CA 94105-3204  
[+1.415.344.7140](tel:+14153447140)  
[ltrambley@perkinscoie.com](mailto:ltrambley@perkinscoie.com)

---

**From:** Mertens, Matthew (POR) <[MMertens@perkinscoie.com](mailto:MMertens@perkinscoie.com)>  
**Sent:** Friday, August 30, 2024 6:40 PM  
**To:** Lauren English <[lenglish@freybuck.com](mailto:lenglish@freybuck.com)>; Ted Buck <[tbuck@freybuck.com](mailto:tbuck@freybuck.com)>; Mark Conrad <[mconrad@freybuck.com](mailto:mconrad@freybuck.com)>; Amber Holmes <[aholmes@freybuck.com](mailto:aholmes@freybuck.com)>  
**Cc:** Perez, David A. (SEA) <[DPerez@perkinscoie.com](mailto:DPerez@perkinscoie.com)>; Trambley, Lauren (SFO) <[LTrambley@perkinscoie.com](mailto:LTrambley@perkinscoie.com)>  
**Subject:** RE: Hadnagy v. Def Con || Service of third-party deposition subpoenas

Mark and Lauren—

Please find attached for your records the deposition subpoena that we served on [REDACTED] today. Ms. [REDACTED] agreed to accept service by email.

Thank you,

**Matt Mertens**  
PARTNER

**Perkins Coie**

1120 N.W. Couch Street Tenth Floor  
Portland, OR 97209-4128  
[+1.503.727.2199](tel:+15037272199)  
[mmertens@perkinscoie.com](mailto:mmertens@perkinscoie.com)  
[perkinscoie.com](http://perkinscoie.com)

---

**From:** Mertens, Matthew (POR) <[MMertens@perkinscoie.com](mailto:MMertens@perkinscoie.com)>  
**Sent:** Friday, August 30, 2024 12:07 PM  
**To:** Lauren English <[lenglish@freybuck.com](mailto:lenglish@freybuck.com)>; Ted Buck <[tbuck@freybuck.com](mailto:tbuck@freybuck.com)>; Mark Conrad <[mconrad@freybuck.com](mailto:mconrad@freybuck.com)>; Amber Holmes <[aholmes@freybuck.com](mailto:aholmes@freybuck.com)>  
**Cc:** Perez, David A. (SEA) <[DPerez@perkinscoie.com](mailto:DPerez@perkinscoie.com)>; Trambley, Lauren (SFO) <[LTrambley@perkinscoie.com](mailto:LTrambley@perkinscoie.com)>  
**Subject:** Hadnagy v. Def Con || Service of third-party deposition subpoenas

Mark and Lauren—

Please find attached for your records deposition subpoenas that we have served on [REDACTED] and [REDACTED] Ms. [REDACTED] and Ms. [REDACTED] agreed to accept service by email.

We will respond separately to Lauren's August 23, 2024, email regarding Plaintiffs' LCR 37 requests in the near future.

Thank you,

**Matt Mertens**  
**PARTNER**

**Perkins Coie**

1120 N.W. Couch Street Tenth Floor  
Portland, OR 97209-4128  
[+1.503.727.2199](tel:+15037272199)  
[mmertens@perkinscoie.com](mailto:mmertens@perkinscoie.com)  
[perkinscoie.com](http://perkinscoie.com)

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# Exhibit 6

**From:** [Mertens, Matthew \(POR\)](#)  
**To:** [Mark Conrad](#)  
**Cc:** [Perez, David A. \(SEA\)](#); [Kristofer@riklislaw.com](mailto:Kristofer@riklislaw.com); [Trambley, Lauren \(SFO\)](#); [Lauren English](#); [Ted Buck](#); [Amber Holmes](#)  
**Subject:** RE: Social Engineer Initial STR  
**Date:** Tuesday, October 29, 2024 2:30:24 PM  
**Attachments:** [image001.png](#)  
[image002.png](#)

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Mark—

It doesn't make sense at this point to schedule dates for Moss's continued deposition and the depositions of the Hadnagys. We're going to need to move to extend the case schedule because of your clients' continued delays and obstruction of discovery. Mr. Hadnagy can't have it both ways: delay discovery to the very end, *and* refuse to extend the schedule despite his delays.

As outlined below, we have concerns with both the timing and the substance of Mr. Hadnagy's document production to date, and it has already prejudiced our ability to timely prepare for depositions, Mr. Hadnagy's and Mr. Thomas's in particular.

### **Timing problems**

Mr. Hadnagy has been extremely slow to retain a third-party discovery vendor, ingest documents, run search terms, and produce documents. The court issued its broad discovery order on August 21, 2024, ordering the parties to produce all documents hitting on the other side's search terms within three weeks. We provided you with requested custodians and requested search terms that same day.

It took more than two weeks—until September 5, 2024—for Mr. Hadnagy to even confirm that he had hired an external vendor to handle the forensic collection and run our requested search terms. It took over an additional week—until September 13, 2024—for Mr. Hadnagy to provide an initial search term report for the custodians and search terms we had initially requested three weeks earlier. It took a week—from September 18, 2024, until September 25, 2024—for your vendor to provide an update on our proposed revised search terms. It appears to have taken more than two weeks—from September 25, 2024, until some time in approximately mid-October—for Mr. Hadnagy to even start reviewing the results of the search terms discussed on September 25.

You advised on October 3 that you anticipated making your initial production on October 15. That didn't happen. You didn't make your initial production until over a week later, on October 23. And you're currently not able to provide a size estimate or concrete timing for your second tranche of production.



As for the missing documents related to Mr. Thomas's deposition, SE\_001761 is "lostcontracts.xlsx" and is listed on the documents that Mr. Thomas referenced and/or relied upon in connection with his expert report. The "lostcontracts" document references SOWs and emails related to the decision(s) to terminate a variety of allegedly lost contracts. From my review and what I've been able to determine, we don't have those SOWs or email correspondence related to the lost contracts in Mr. Hadnagy's document production, even though they're reflected on the "lostcontracts" document which Mr. Thomas referenced and/or relied upon in his expert report.

We've repeatedly mentioned, with increasing urgency throughout October, that Mr. Hadnagy's delays in document production are imperiling the case schedule. It cannot now come as a surprise that we intend to move to extend the case schedule.

### **Substance problems**

-

There are problems with the substance of Mr. Hadnagy's production in addition to the timing. I do not understand how your team is determining and applying responsiveness criteria. For example, Mr. Hadnagy appears to have produced thousands of documents solely because they involve [REDACTED], irrespective of time period. But we agreed you would only produce documents related to [REDACTED] for the salient time period for her allegations against Mr. Hadnagy, starting on June 1, 2021. Producing thousands of documents related to Ms. [REDACTED] and having nothing to do with this lawsuit, outside of the time limitation to which we agreed, has the effect of burying us in irrelevancies and delaying our review of *actually* responsive documents for the depositions of the Hadnagys.

For another non-exhaustive example, you have produced 37 documents hitting on the word "unicorn." As you know, Def Con proposed this search term because of its connection to "Project Unicorn," Mr. Hadnagy's purported child sex abuse sting operation involving [REDACTED]. We requested documents related to this ostensible sting operation in RFP No. 46: "All documents and communications relating to the ostensible child sex predator sting referred to in RFA No. 37." But you have produced 34 documents containing the word "unicorn" that have no relevance whatsoever to this request specifically or this dispute generally. I've snipped two examples below.

SE\_002494:



SE\_015472, featuring an excerpt from the bio of Ryan MacDougall:



The hits above are not responsive to RFP 46 or any other RFP that I can determine.

You are not producing *every* hit on the search term “unicorn,” as Mr. Hadnagy’s S-E email contains 534 such hits and his ILF email contains 157. How and why your firm is determining what’s responsive is not readily apparent.

We were hoping to avoid motions practice here on the schedule, so that the parties could work cooperatively on all this. But given your refusal to cooperate or compromise on the schedule—despite your clients’ delays being the reason *we need the extension*—we are going to file a motion to extend the case deadlines based on the above, and point out to the Court Mr. Hadnagy’s continued discovery delays and violations.

Thank you for your consideration of the above.

**Matt Mertens**  
**PARTNER**

**Perkins Coie**  
1120 N.W. Couch Street Tenth Floor  
Portland, OR 97209-4128  
[+1.503.727.2199](tel:+15037272199)  
[mmertens@perkinscoie.com](mailto:mmertens@perkinscoie.com)  
[perkinscoie.com](http://perkinscoie.com)

---

**From:** Mark Conrad <mconrad@freybuck.com>  
**Sent:** Tuesday, October 29, 2024 9:16 AM  
**To:** Mertens, Matthew (POR) <MMertens@perkinscoie.com>

**Cc:** Perez, David A. (SEA) <DPerez@perkinscoie.com>; Kristofer@riklislaw.com; Trambley, Lauren (SFO) <LTrambley@perkinscoie.com>; Lauren English <lenglish@freybuck.com>; Ted Buck <tbuck@freybuck.com>; Amber Holmes <aholmes@freybuck.com>  
**Subject:** RE: Social Engineer Initial STR

Hey Matt,

I expect to produce the second batch this week. I'm working on estimating the document count and will update you soon.

Can we lock down some dates for the depositions of Moss, Chris Hadnagy, and Areesa Hadnagy? My calendar is filling up for November and December, so it would help to get these scheduled. If any issues come up with your availability to review documents, we can always adjust, but I suggest we get something on the books as a starting point.

I'm available to discuss these details today if that works for you. Just let me know a time, or feel free to call me on my cell at 206-979-5337.

-Mark

**Mark R. Conrad | Attorney**

**Frey Buck**  
1200 Fifth Avenue, Ste. 1900  
Seattle, WA 98101  
206-486-8000, Ext. 805  
206-902-9660 (Fax)  
[www.freybuck.com](http://www.freybuck.com)

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---

**From:** Mertens, Matthew (Perkins Coie) <[MMertens@perkinscoie.com](mailto:MMertens@perkinscoie.com)>

**Sent:** Monday, October 28, 2024 7:01 PM

**To:** Mark Conrad <[mconrad@freybuck.com](mailto:mconrad@freybuck.com)>

**Cc:** Perez, David A. (Perkins Coie) <[DPerez@perkinscoie.com](mailto:DPerez@perkinscoie.com)>; [Kristofer@riklislaw.com](mailto:Kristofer@riklislaw.com); Trambley, Lauren (Perkins Coie) <[LTrambley@perkinscoie.com](mailto:LTrambley@perkinscoie.com)>; Lauren English <[lenglish@freybuck.com](mailto:lenglish@freybuck.com)>; Ted Buck <[tbuck@freybuck.com](mailto:tbuck@freybuck.com)>; Amber Holmes <[aholmes@freybuck.com](mailto:aholmes@freybuck.com)>

**Subject:** RE: Social Engineer Initial STR

Mark, how many more documents do you anticipate producing, and by when? I know you previously said you thought you'd be producing documents in two tranches.

**Matt Mertens**  
PARTNER

**Perkins Coie**

1120 N.W. Couch Street Tenth Floor  
Portland, OR 97209-4128  
[+1.503.727.2199](tel:+15037272199)  
[mmertens@perkinscoie.com](mailto:mmertens@perkinscoie.com)  
[perkinscoie.com](http://perkinscoie.com)

---

**From:** Mark Conrad <[mconrad@freybuck.com](mailto:mconrad@freybuck.com)>  
**Sent:** Monday, October 28, 2024 12:42 PM  
**To:** Mertens, Matthew (POR) <[MMertens@perkinscoie.com](mailto:MMertens@perkinscoie.com)>  
**Cc:** Perez, David A. (SEA) <[DPerez@perkinscoie.com](mailto:DPerez@perkinscoie.com)>; [Kristofer@rikislaw.com](mailto:Kristofer@rikislaw.com); Trambley, Lauren (SFO) <[LTrambley@perkinscoie.com](mailto:LTrambley@perkinscoie.com)>; Lauren English <[lenglish@freybuck.com](mailto:lenglish@freybuck.com)>; Ted Buck <[tbuck@freybuck.com](mailto:tbuck@freybuck.com)>; Amber Holmes <[aholmes@freybuck.com](mailto:aholmes@freybuck.com)>  
**Subject:** RE: Social Engineer Initial STR

Matt,

I do not have authority to agree to a continuance.

**Mark R. Conrad | Attorney**

**Frey Buck**  
1200 Fifth Avenue, Ste. 1900  
Seattle, WA 98101  
206-486-8000, Ext. 805  
206-902-9660 (Fax)  
[www.freybuck.com](http://www.freybuck.com)

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**From:** Mertens, Matthew (Perkins Coie) <[MMertens@perkinscoie.com](mailto:MMertens@perkinscoie.com)>  
**Sent:** Friday, October 25, 2024 2:48 PM  
**To:** Mark Conrad <[mconrad@freybuck.com](mailto:mconrad@freybuck.com)>  
**Cc:** Perez, David A. (Perkins Coie) <[DPerez@perkinscoie.com](mailto:DPerez@perkinscoie.com)>; [Kristofer@rikislaw.com](mailto:Kristofer@rikislaw.com); Trambley, Lauren (Perkins Coie) <[LTrambley@perkinscoie.com](mailto:LTrambley@perkinscoie.com)>; Lauren English <[lenglish@freybuck.com](mailto:lenglish@freybuck.com)>; Ted Buck <[tbuck@freybuck.com](mailto:tbuck@freybuck.com)>; Amber Holmes <[aholmes@freybuck.com](mailto:aholmes@freybuck.com)>

**Subject:** RE: Social Engineer Initial STR

Appreciate the update.

**Matt Mertens**  
PARTNER

**Perkins Coie**

1120 N.W. Couch Street Tenth Floor  
Portland, OR 97209-4128  
[+1.503.727.2199](tel:+15037272199)  
[mmertens@perkinscoie.com](mailto:mmertens@perkinscoie.com)  
[perkinscoie.com](http://perkinscoie.com)

---

**From:** Mark Conrad <[mconrad@freybuck.com](mailto:mconrad@freybuck.com)>  
**Sent:** Friday, October 25, 2024 2:48 PM  
**To:** Mertens, Matthew (POR) <[MMertens@perkinscoie.com](mailto:MMertens@perkinscoie.com)>  
**Cc:** Perez, David A. (SEA) <[DPerez@perkinscoie.com](mailto:DPerez@perkinscoie.com)>; [Kristofer@rikislaw.com](mailto:Kristofer@rikislaw.com); Trambley, Lauren (SFO) <[LTrambley@perkinscoie.com](mailto:LTrambley@perkinscoie.com)>; Lauren English <[lenglish@freybuck.com](mailto:lenglish@freybuck.com)>; Ted Buck <[tbuck@freybuck.com](mailto:tbuck@freybuck.com)>; Amber Holmes <[aholmes@freybuck.com](mailto:aholmes@freybuck.com)>  
**Subject:** RE: Social Engineer Initial STR

I'm discussing with my client today and will report back.

**Mark R. Conrad | Attorney**

**Frey Buck**  
1200 Fifth Avenue, Ste. 1900  
Seattle, WA 98101  
206-486-8000, Ext. 805  
206-902-9660 (Fax)  
[www.freybuck.com](http://www.freybuck.com)

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**From:** Mertens, Matthew (Perkins Coie) <[MMertens@perkinscoie.com](mailto:MMertens@perkinscoie.com)>  
**Sent:** Friday, October 25, 2024 2:46 PM  
**To:** Mark Conrad <[mconrad@freybuck.com](mailto:mconrad@freybuck.com)>  
**Cc:** Perez, David A. (Perkins Coie) <[DPerez@perkinscoie.com](mailto:DPerez@perkinscoie.com)>; [Kristofer@rikislaw.com](mailto:Kristofer@rikislaw.com); Trambley, Lauren (Perkins Coie) <[LTrambley@perkinscoie.com](mailto:LTrambley@perkinscoie.com)>; Lauren English <[lenglish@freybuck.com](mailto:lenglish@freybuck.com)>; Ted

Buck <[tbuck@freybuck.com](mailto:tbuck@freybuck.com)>; Amber Holmes <[aholmes@freybuck.com](mailto:aholmes@freybuck.com)>

**Subject:** RE: Social Engineer Initial STR

Mark, following up here. Please advise on your position regarding the extension below. We'd prefer to avoid unnecessary disputed motions practice on this.

Thanks,

**Matt Mertens**  
**PARTNER**

**Perkins Coie**

1120 N.W. Couch Street Tenth Floor

Portland, OR 97209-4128

+1.503.727.2199

[mmertens@perkinscoie.com](mailto:mmertens@perkinscoie.com)

[perkinscoie.com](http://perkinscoie.com)

---

**From:** Mertens, Matthew (POR)

**Sent:** Wednesday, October 23, 2024 3:09 PM

**To:** Mark Conrad <[mconrad@freybuck.com](mailto:mconrad@freybuck.com)>

**Cc:** Perez, David A. (SEA) <[DPerez@perkinscoie.com](mailto:DPerez@perkinscoie.com)>; [Kristofer@rikislaw.com](mailto:Kristofer@rikislaw.com); Trambley, Lauren (SFO) <[LTrambley@perkinscoie.com](mailto:LTrambley@perkinscoie.com)>; Lauren English <[lenglish@freybuck.com](mailto:lenglish@freybuck.com)>; Ted Buck <[tbuck@freybuck.com](mailto:tbuck@freybuck.com)>; Amber Holmes <[aholmes@freybuck.com](mailto:aholmes@freybuck.com)>

**Subject:** RE: Social Engineer Initial STR

Hey, Mark—

I'm following up with an update on our document production and also a discussion of the need to extend the case schedule by approximately 60 days.

First, you should have now received Jeff Moss's Signal messages responsive to your RFPs. As I told you in conferral and will mention again now, these messages comprise the majority of the remaining documents directly responsive to your RFPs. There are a handful of additional emails that are technically responsive but not central to your claims. We will produce those this week, too.

Second, we are less than two months out from the close of discovery and only a few short weeks away from the discovery motion cutoff on November 15. However, we have yet to receive the bulk of Plaintiffs' document production. Defendants will need time to review those documents and engage in any further meet and confers, if needed, to resolve any deficiencies. Defendants also cannot depose Mr. Hadnagy until they have received and reviewed these

documents.

Given the upcoming holidays, we need to push out the current case deadlines in order to allow the parties sufficient time to review documents, engage in any further meet and confers, and complete key depositions before the discovery cut off.

We will put together a stipulation extending the current case deadlines with the following proposed deadlines:

Event	Current Deadline	Proposed Deadline
Close of discovery	December 13, 2024	February 13, 2025
Discovery motions	November 15, 2024	February 28, 2025
<i>Daubert</i> motions	January 10, 2025	March 14, 2025
Dispositive motions	January 10, 2025	March 14, 2025
Mediation	January 24, 2025	March 28, 2025
Plaintiffs' Pre-Trial Statement	February 3, 2025	April 4, 2025
Defendants' Pre-Trial Statement	February 17, 2025	April 18, 2025
Motions in Limine	February 17, 2025	April 18, 2025
Agreed CR 16.1 Pretrial Order	March 21, 2025	May 23, 2025
Pretrial Conference	TBD	TBD
Jury Trial	April 28, 2025	July 28, 2025

Please let us know if you have any proposed adjustments to these dates. Otherwise, we will circulate a draft.

Thanks,

**Matt Mertens**  
PARTNER

**Perkins Coie**

1120 N.W. Couch Street Tenth Floor  
Portland, OR 97209-4128  
[+1.503.727.2199](tel:+15037272199)  
[mmertens@perkinscoie.com](mailto:mmertens@perkinscoie.com)  
[perkinscoie.com](http://perkinscoie.com)

---

**From:** Mark Conrad <[mconrad@freybuck.com](mailto:mconrad@freybuck.com)>

**Sent:** Friday, October 11, 2024 11:46 AM

**To:** Mertens, Matthew (POR) <[MMertens@perkinscoie.com](mailto:MMertens@perkinscoie.com)>

**Cc:** Perez, David A. (SEA) <[DPerez@perkinscoie.com](mailto:DPerez@perkinscoie.com)>; [Kristofer@rikislaw.com](mailto:Kristofer@rikislaw.com); Trambley, Lauren

(SFO) <[LTrambley@perkinscoie.com](mailto:LTrambley@perkinscoie.com)>; Lauren English <[lenglish@freybuck.com](mailto:lenglish@freybuck.com)>; Ted Buck <[tbuck@freybuck.com](mailto:tbuck@freybuck.com)>; Amber Holmes <[aholmes@freybuck.com](mailto:aholmes@freybuck.com)>

**Subject:** RE: Social Engineer Initial STR

Matt,

I've reviewed this and we agree to the additional date restrictions for the specific terms indicated below. Ultimately, we expect Defendants to produce documents responsive to our discovery requests. I don't believe this will require a linear review of all documents, as many responsive documents should be identifiable by running searches in the current data set. Many of our RFPs already include five-year date restrictions, which will further narrow the scope of data for review.

We're in a similar position, with a data set containing 32,970 documents that we need to review to determine responsiveness to over 70 RFPs. One approach that could simplify matters is to review the data for attorney-client/work product confidentiality and produce all "positive hits" of the propounded search terms, as the court previously ordered, but I'm going to maintain the current course as we discussed.

Here are the terms and date restrictions:

- [REDACTED] or [REDACTED] 06/01/2021 - present
- Grifter and Chris: 06/01/2021 - present
- Neil and Chris: 06/01/2021 - present
- SE: 06/01/2021 - present
- Sugihara and Chris: 06/01/2021 - present
- Melanie Ensign and Wednesday: 06/01/2021 - present

We also reserve the right to revert to the original data set production without limiters after reviewing any materials produced.

Thanks

**Mark R. Conrad | Attorney**

**Frey Buck**

1200 Fifth Avenue, Ste. 1900

Seattle, WA 98101

206-486-8000, Ext. 805

206-902-9660 (Fax)

[www.freybuck.com](http://www.freybuck.com)

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---

**From:** Mertens, Matthew (Perkins Coie) <[MMertens@perkinscoie.com](mailto:MMertens@perkinscoie.com)>

**Sent:** Thursday, October 10, 2024 9:39 AM

**To:** Mark Conrad <[mconrad@freybuck.com](mailto:mconrad@freybuck.com)>

**Cc:** Perez, David A. (Perkins Coie) <[DPerez@perkinscoie.com](mailto:DPerez@perkinscoie.com)>; [Kristofer@rikislaw.com](mailto:Kristofer@rikislaw.com); Trambley, Lauren (Perkins Coie) <[LTrambley@perkinscoie.com](mailto:LTrambley@perkinscoie.com)>; Lauren English <[lenglish@freybuck.com](mailto:lenglish@freybuck.com)>; Ted Buck <[tbuck@freybuck.com](mailto:tbuck@freybuck.com)>; Amber Holmes <[aholmes@freybuck.com](mailto:aholmes@freybuck.com)>

**Subject:** RE: Social Engineer Initial STR

Mark, per the below—please see attached. 3,563 documents family-inclusive with the date limiter applied, and 26,915 without the date limiter applied. As discussed, we are not applying the date limiter to Jeff's Signal messages, since relevant Signal messages were exchanged outside of the 8/01/2021 to 8/01/2022 period.

For the email-domain-specific hits with the date limiter applied:

Email search hits within 8/1/21 – 8/1/22 date range (94 total email hits due to overlap):

- [steve.oldenbourg@ubm.com](mailto:steve.oldenbourg@ubm.com) – 0 hits
- [steve.wylie@ubm.com](mailto:steve.wylie@ubm.com) – 0 hits
- [steve.wylie@informa.com](mailto:steve.wylie@informa.com) – 42 hits
- [steve.oldenbourg@informa.com](mailto:steve.oldenbourg@informa.com) – 65 hits
- [linda@defcon.org](mailto:linda@defcon.org) – 0 hits
- [marcwrogers@gmail.com](mailto:marcwrogers@gmail.com) – 23 hits
- [marc@closed-networks.com](mailto:marc@closed-networks.com) – 0 hits
- [marc@cloudflare.com](mailto:marc@cloudflare.com) – 0 hits

For the email-domain-specific hits without the date limiter applied:

Email search hits with no date range (1,310 total email hits due to overlap):

- [steve.oldenbourg@ubm.com](mailto:steve.oldenbourg@ubm.com) – 399 hits
- [steve.wylie@ubm.com](mailto:steve.wylie@ubm.com) – 387 hits
- [steve.wylie@informa.com](mailto:steve.wylie@informa.com) – 178 hits
- [steve.oldenbourg@informa.com](mailto:steve.oldenbourg@informa.com) – 337 hits
- [linda@defcon.org](mailto:linda@defcon.org) – 276 hits
- [marcwrogers@gmail.com](mailto:marcwrogers@gmail.com) – 89 hits
- [marc@closed-networks.com](mailto:marc@closed-networks.com) – 57 hits
- [marc@cloudflare.com](mailto:marc@cloudflare.com) – 34 hits

Please let me know if you have any additional questions. We really want to launch this review and get you any additional responsive documents timely, so we can wrap up document discovery and hopefully keep the case schedule intact.

Thanks,

**Matt Mertens**  
PARTNER

**Perkins Coie**

1120 N.W. Couch Street Tenth Floor  
Portland, OR 97209-4128  
[+1.503.727.2199](tel:+15037272199)  
[mmertens@perkinscoie.com](mailto:mmertens@perkinscoie.com)  
[perkinscoie.com](http://perkinscoie.com)

---

**From:** Mertens, Matthew (POR)  
**Sent:** Wednesday, October 9, 2024 10:49 AM  
**To:** Mark Conrad <[mconrad@freybuck.com](mailto:mconrad@freybuck.com)>  
**Cc:** Perez, David A. (SEA) <[DPerez@perkinscoie.com](mailto:DPerez@perkinscoie.com)>; [Kristofer@rikislaw.com](mailto:Kristofer@rikislaw.com); Trambley, Lauren (SFO) <[LTrambley@perkinscoie.com](mailto:LTrambley@perkinscoie.com)>; Lauren English <[lenglish@freybuck.com](mailto:lenglish@freybuck.com)>; Ted Buck <[tbuck@freybuck.com](mailto:tbuck@freybuck.com)>; Amber Holmes <[aholmes@freybuck.com](mailto:aholmes@freybuck.com)>  
**Subject:** RE: Social Engineer Initial STR

Got it; we'll generate an STR with all hits and also generate an STR with the time limitation so you can compare.

**Matt Mertens**  
PARTNER

**Perkins Coie**

1120 N.W. Couch Street Tenth Floor  
Portland, OR 97209-4128  
[+1.503.727.2199](tel:+15037272199)  
[mmertens@perkinscoie.com](mailto:mmertens@perkinscoie.com)  
[perkinscoie.com](http://perkinscoie.com)

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**From:** Mark Conrad <[mconrad@freybuck.com](mailto:mconrad@freybuck.com)>  
**Sent:** Wednesday, October 9, 2024 10:41 AM  
**To:** Mertens, Matthew (POR) <[MMertens@perkinscoie.com](mailto:MMertens@perkinscoie.com)>  
**Cc:** Perez, David A. (SEA) <[DPerez@perkinscoie.com](mailto:DPerez@perkinscoie.com)>; [Kristofer@rikislaw.com](mailto:Kristofer@rikislaw.com); Trambley, Lauren (SFO) <[LTrambley@perkinscoie.com](mailto:LTrambley@perkinscoie.com)>; Lauren English <[lenglish@freybuck.com](mailto:lenglish@freybuck.com)>; Ted Buck <[tbuck@freybuck.com](mailto:tbuck@freybuck.com)>; Amber Holmes <[aholmes@freybuck.com](mailto:aholmes@freybuck.com)>  
**Subject:** RE: Social Engineer Initial STR

I was hoping to get the final STR without the time limitation applied yet, as I want to review it and determine which search terms should have an additional time limiter. I also want to make sure I'm looking at the final version of the STR, since your email indicated that the terms "[REDACTED]" the

"[linda@defcon.org](mailto:linda@defcon.org)" search, the Marc Rogers emails, and the "Steves at Black Hat" weren't included yet.

## Mark R. Conrad | Attorney

### Frey Buck

1200 Fifth Avenue, Ste. 1900  
Seattle, WA 98101  
206-486-8000, Ext. 805  
206-902-9660 (Fax)  
[www.freybuck.com](http://www.freybuck.com)

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---

**From:** Mertens, Matthew (Perkins Coie) <[MMertens@perkinscoie.com](mailto:MMertens@perkinscoie.com)>

**Sent:** Wednesday, October 9, 2024 10:13 AM

**To:** Mark Conrad <[mconrad@freybuck.com](mailto:mconrad@freybuck.com)>

**Cc:** Perez, David A. (Perkins Coie) <[DPerez@perkinscoie.com](mailto:DPerez@perkinscoie.com)>; [Kristofer@rikislaw.com](mailto:Kristofer@rikislaw.com); Trambley, Lauren (Perkins Coie) <[LTrambley@perkinscoie.com](mailto:LTrambley@perkinscoie.com)>; Lauren English <[lenglish@freybuck.com](mailto:lenglish@freybuck.com)>; Ted Buck <[tbuck@freybuck.com](mailto:tbuck@freybuck.com)>; Amber Holmes <[aholmes@freybuck.com](mailto:aholmes@freybuck.com)>

**Subject:** RE: Social Engineer Initial STR

Mark, I'll get you an up-to-date STR with the proposed review universe based on the 8/01/21 to 8/01/2022 relevant time period.

Thanks,

**Matt Mertens**

PARTNER

### Perkins Coie

1120 N.W. Couch Street Tenth Floor  
Portland, OR 97209-4128  
[+1.503.727.2199](tel:+15037272199)  
[mmertens@perkinscoie.com](mailto:mmertens@perkinscoie.com)  
[perkinscoie.com](http://perkinscoie.com)

---

**From:** Mark Conrad <[mconrad@freybuck.com](mailto:mconrad@freybuck.com)>

**Sent:** Tuesday, October 8, 2024 12:37 PM

**To:** Mertens, Matthew (POR) <[MMertens@perkinscoie.com](mailto:MMertens@perkinscoie.com)>

**Cc:** Perez, David A. (SEA) <[DPerez@perkinscoie.com](mailto:DPerez@perkinscoie.com)>; [Kristofer@rikislaw.com](mailto:Kristofer@rikislaw.com); Trambley, Lauren

(SFO) <[LTrambley@perkinscoie.com](mailto:LTrambley@perkinscoie.com)>; Lauren English <[lenglish@freybuck.com](mailto:lenglish@freybuck.com)>; Ted Buck <[tbuck@freybuck.com](mailto:tbuck@freybuck.com)>; Amber Holmes <[aholmes@freybuck.com](mailto:aholmes@freybuck.com)>

**Subject:** RE: Social Engineer Initial STR

Matt,

I'm looking into the issues we discussed yesterday. Is the attached STR the most up-to-date version? Based on your email, it seems some of the hits were still being processed when the attached was produced. I just want to make sure I'm working with the correct STR.

Also, I'll need client approval on this, and it looks like I won't be able to meet with him until later this afternoon/tomorrow morning. I need to leave a bit early today because it's my son's third birthday, so I may not be able to provide the list of liner vs. timeframe limits until tomorrow.

-Mark

## **Mark R. Conrad | Attorney**

### **Frey Buck**

1200 Fifth Avenue, Ste. 1900  
Seattle, WA 98101  
206-486-8000, Ext. 805  
206-902-9660 (Fax)  
[www.freybuck.com](http://www.freybuck.com)

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---

**From:** Mertens, Matthew (Perkins Coie) <[MMertens@perkinscoie.com](mailto:MMertens@perkinscoie.com)>

**Sent:** Thursday, September 26, 2024 5:42 PM

**To:** Mark Conrad <[mconrad@freybuck.com](mailto:mconrad@freybuck.com)>

**Cc:** Perez, David A. (Perkins Coie) <[DPerez@perkinscoie.com](mailto:DPerez@perkinscoie.com)>; [Kristofer@rikislaw.com](mailto:Kristofer@rikislaw.com); Trambley, Lauren (Perkins Coie) <[LTrambley@perkinscoie.com](mailto:LTrambley@perkinscoie.com)>; Lauren English <[lenglish@freybuck.com](mailto:lenglish@freybuck.com)>; Ted Buck <[tbuck@freybuck.com](mailto:tbuck@freybuck.com)>; Amber Holmes <[aholmes@freybuck.com](mailto:aholmes@freybuck.com)>

**Subject:** RE: Social Engineer Initial STR

Mark, the attached should have the hit counts for everything except for the "██████████" term; the [linda@defcon.org](mailto:linda@defcon.org) search; the Marc Rogers emails; and the "Steves" at Black Hat. I don't have the ██████████ hits available offhand, but the Linda search is 276 docs with fams; CJ / Marc search is 46 with fams; Steves at Black Hat is 76 with fams; and there are no hits on emails to or from ██████████ at either her "zed-one" domain or her S-E domain.

Please let me know if you have any questions. Otherwise, we'll promote these terms for review and start chugging.

Thanks,

**Matt Mertens**  
PARTNER

**Perkins Coie**

1120 N.W. Couch Street Tenth Floor  
Portland, OR 97209-4128  
[+1.503.727.2199](tel:+15037272199)  
[mmertens@perkinscoie.com](mailto:mmertens@perkinscoie.com)  
[perkinscoie.com](http://perkinscoie.com)

---

**From:** Mertens, Matthew (POR)  
**Sent:** Thursday, September 26, 2024 5:08 PM  
**To:** Mark Conrad <[mconrad@freybuck.com](mailto:mconrad@freybuck.com)>  
**Cc:** Perez, David A. (SEA) <[DPerez@perkinscoie.com](mailto:DPerez@perkinscoie.com)>; [Kristofer@rikliislaw.com](mailto:Kristofer@rikliislaw.com); Trambley, Lauren (SFO) <[LTrambley@perkinscoie.com](mailto:LTrambley@perkinscoie.com)>; Lauren English <[lenglish@freybuck.com](mailto:lenglish@freybuck.com)>; Ted Buck <[tbuck@freybuck.com](mailto:tbuck@freybuck.com)>; Amber Holmes <[aholmes@freybuck.com](mailto:aholmes@freybuck.com)>  
**Subject:** RE: Social Engineer Initial STR

Hey, Mark—agreed with not needing to provide a privilege log for communications between your firm and your client. That's eminently reasonable, and we'll follow suit.

Looks like on the STR that the individual client names (Bank of America, etc.) are still the hit count outliers, so just re-flagging that all we're looking for there are (1) the contracts themselves, and (2) communications related to the termination of these contracts. We have no expectation that you're otherwise reviewing those documents for responsiveness.

Regarding the expert depo, does your expert have any dates in the first or second week of October?

Our ESS team is at an offsite conference so their responses will be delayed, but I'll ping Ken regarding the updated STR and hope to have it for you by EOD tomorrow.

Thanks,

**Matt Mertens**  
PARTNER

**Perkins Coie**

1120 N.W. Couch Street Tenth Floor  
Portland, OR 97209-4128  
[+1.503.727.2199](tel:+15037272199)  
[mmertens@perkinscoie.com](mailto:mmertens@perkinscoie.com)  
[perkinscoie.com](http://perkinscoie.com)

---

**From:** Mark Conrad <[mconrad@freybuck.com](mailto:mconrad@freybuck.com)>

**Sent:** Wednesday, September 25, 2024 12:26 PM

**To:** Mertens, Matthew (POR) <[MMertens@perkinscoie.com](mailto:MMertens@perkinscoie.com)>

**Cc:** Perez, David A. (SEA) <[DPerez@perkinscoie.com](mailto:DPerez@perkinscoie.com)>; [Kristofer@rikliislaw.com](mailto:Kristofer@rikliislaw.com); Trambley, Lauren (SFO) <[LTrambley@perkinscoie.com](mailto:LTrambley@perkinscoie.com)>; Lauren English <[lenglish@freybuck.com](mailto:lenglish@freybuck.com)>; Ted Buck <[tbuck@freybuck.com](mailto:tbuck@freybuck.com)>; Amber Holmes <[aholmes@freybuck.com](mailto:aholmes@freybuck.com)>

**Subject:** RE: Social Engineer Initial STR

Hi Matt,

Attached is the updated STR for the email data. Anna Truss informed me that the social media accounts are processed, and she will provide a separate STR for those. I'll follow up today to get an ETA on that but wanted to get this over to you in the interim. The revisions to the search terms have significantly reduced the email hit results. I suggest we proceed with Anna transferring the email data sets (which I understand also include Teams) to our firm for review of privilege and responsiveness. Since the data includes our firm's client communications, I don't plan to create a privilege log (nor expect you to), following the model ESI protocol. Let me know your thoughts.

For our expert's deposition, the available dates are November 14, 15, 18, 19, and 20. Please let me know which works best.

Once you have your updated STR, please send it over.

Thanks,  
Mark

**Mark R. Conrad | Attorney**

**Frey Buck**

1200 Fifth Avenue, Ste. 1900  
Seattle, WA 98101  
206-486-8000, Ext. 805  
206-902-9660 (Fax)  
[www.freybuck.com](http://www.freybuck.com)

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---

**From:** Mertens, Matthew (Perkins Coie) <[MMertens@perkinscoie.com](mailto:MMertens@perkinscoie.com)>

**Sent:** Tuesday, September 17, 2024 6:49 PM

**To:** Mark Conrad <[mconrad@freybuck.com](mailto:mconrad@freybuck.com)>

**Cc:** Perez, David A. (Perkins Coie) <[DPerez@perkinscoie.com](mailto:DPerez@perkinscoie.com)>; [Kristofer@riklistlaw.com](mailto:Kristofer@riklistlaw.com); Trambley, Lauren (Perkins Coie) <[LTrambley@perkinscoie.com](mailto:LTrambley@perkinscoie.com)>; Lauren English <[lenglish@freybuck.com](mailto:lenglish@freybuck.com)>; Ted Buck <[tbuck@freybuck.com](mailto:tbuck@freybuck.com)>; Amber Holmes <[aholmes@freybuck.com](mailto:aholmes@freybuck.com)>

**Subject:** RE: Social Engineer Initial STR

Hey, Mark—

Following up on my email below. Please find attached Def Con's proposed edits to your search terms. Tab 1 is what you proposed. Tab 2 reflects removal of the broad terms we agreed to remove (custodial terms, Mar, Janet, \*goon, etc.), and it also reflects me attempting to narrow some of the other broad terms we talked about (the Grifter-related terms, the Sugihara term, and the Black Hat term) in a way that is more likely to get you what you're looking for.

- Rather than not reviewing any additional "Black Hat" terms based on the 95/5 sample we performed, I'm proposing that we review all emails in our collection to, from, or cc'ing Steve Oldenbourg or Steve Wylie between 8/01/2021 and 8/01/2022, which is the time period within which Mr. Moss and Def Con may have been discussing Mr. Hadnagy with Mr. Oldenbourg and Mr. Wylie.
- I've added the "Chris" search term to the "Sugihara" term and Grifter-related terms, to try to narrow those terms to conversations that Grifter and/or Mr. Sugihara may have had with others where they mentioned the name "Chris." (Note that Hadnagy, SECOM, Social-Engineer, and S-E are standalone terms, so any hits containing these terms will already be reviewed.)
- I've added a term for emails to/from/cc'ing [linda@defcon.org](mailto:linda@defcon.org) since that's the domain related to the Linda Hatcho/Hatco/etc. search term you proposed, so I think it's a cleaner search.

-----

Turning to the initial search term report you provided in response to our initial requested search terms (STR attached), I propose the following modifications to reasonably narrow the review universe:

- For the "██████" or "██████" terms, limit to 6/01/2021 and thereafter.
- For all the client terms—Synchrony through JPMC on the attached spreadsheet—we don't need anything other than (1) the contracts or POs or work orders with these entities, and (2) communications related to these entities terminating their relationship

with S-E. So if you can identify those materials within these search term hits, we don't need any other hits reviewed.

- Drop the term "sexual or criminal".
- For the Moss/Tangent/DT term, limit to 8/01/2021 and thereafter.
- For the "Black Hat" term, limit to 8/01/2021 and thereafter.
- For the "Netflix" term, limit to 6/01/2021 and thereafter.
- Drop the "Wiley" term.
- For these three terms— ((steal\*) AND ("clients")), ((stole\*) AND ("clients")), and ((compet\*) AND ("business")), can you please rerun them with a "W/5" proximity search, or its functional equivalent if you are not using Relativity to host these documents? That should make them more reasonable.
- Drop the [REDACTED] term.

With these changes, can you please advise of the new proposed review universe?

-----

Happy to talk through these terms and proposed modifications thereto on our call tomorrow.

Thanks,

**Matt Mertens**  
**PARTNER**

**Perkins Coie**

1120 N.W. Couch Street Tenth Floor  
Portland, OR 97209-4128  
[+1.503.727.2199](tel:+15037272199)  
[mmertens@perkinscoie.com](mailto:mmertens@perkinscoie.com)  
[perkinscoie.com](http://perkinscoie.com)

---

**From:** Mertens, Matthew (POR)  
**Sent:** Monday, September 16, 2024 6:58 PM  
**To:** Mark Conrad <[mconrad@freybuck.com](mailto:mconrad@freybuck.com)>  
**Cc:** Perez, David A. (SEA) <[DPerez@perkinscoie.com](mailto:DPerez@perkinscoie.com)>; [Kristofer@rikislaw.com](mailto:Kristofer@rikislaw.com); Trambley, Lauren (SFO) <[LTrambley@perkinscoie.com](mailto:LTrambley@perkinscoie.com)>; Lauren English <[lenglish@freybuck.com](mailto:lenglish@freybuck.com)>; Ted Buck <[tbuck@freybuck.com](mailto:tbuck@freybuck.com)>; Amber Holmes <[aholmes@freybuck.com](mailto:aholmes@freybuck.com)>  
**Subject:** RE: Social Engineer Initial STR

Hey, Mark—

Thanks for the STR. Appreciate it. It's clear that some of these terms need narrowing. I'll work



on that tomorrow and send you proposed narrowers. I've also developed some proposed search terms that I think may be better tailored to what you're looking for and apply some of the limiters you suggested for your terms. I'll send those to you tomorrow as well.

I'm free basically at your convenience except between 1:00 pm and 2:00 pm on Wednesday. Let's try to talk then as opposed to Friday.

Separately, can you please provide your expert's availability for deposition in the next couple of weeks?

Thank you,

**Matt Mertens**  
PARTNER

**Perkins Coie**

1120 N.W. Couch Street Tenth Floor  
Portland, OR 97209-4128  
[+1.503.727.2199](tel:+15037272199)  
[mmertens@perkinscoie.com](mailto:mmertens@perkinscoie.com)  
[perkinscoie.com](http://perkinscoie.com)

---

**From:** Mark Conrad <[mconrad@freybuck.com](mailto:mconrad@freybuck.com)>

**Sent:** Friday, September 13, 2024 12:31 PM

**To:** Mertens, Matthew (POR) <[MMertens@perkinscoie.com](mailto:MMertens@perkinscoie.com)>

**Cc:** Perez, David A. (SEA) <[DPerez@perkinscoie.com](mailto:DPerez@perkinscoie.com)>; [Kristofer@rikislaw.com](mailto:Kristofer@rikislaw.com); Trambley, Lauren (SFO) <[LTrambley@perkinscoie.com](mailto:LTrambley@perkinscoie.com)>; Lauren English <[lenglish@freybuck.com](mailto:lenglish@freybuck.com)>; Ted Buck <[tbuck@freybuck.com](mailto:tbuck@freybuck.com)>; Amber Holmes <[aholmes@freybuck.com](mailto:aholmes@freybuck.com)>

**Subject:** Social Engineer Initial STR

Hi Matt,

Anna Truss completed an initial STR for the email inboxes, including Teams communications, which is attached. She's still processing the social media accounts and plans to run the remaining search terms. I tried to schedule a call with her today to review the work, but she's in training all day. We've set a meeting for Monday, though the time is still being finalized. You and I should also meet next week to discuss next steps. I'm available on 9/18 and 9/20—let me know what works for you.

Thanks,

**Mark R. Conrad | Attorney**

**Frey Buck**  
1200 Fifth Avenue, Ste. 1900

Seattle, WA 98101  
206-486-8000, Ext. 805  
206-902-9660 (Fax)  
[www.freybuck.com](http://www.freybuck.com)

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**From:** Trambley, Lauren (Perkins Coie) <[LTrambley@perkinscoie.com](mailto:LTrambley@perkinscoie.com)>  
**Sent:** Friday, September 13, 2024 10:53 AM  
**To:** Lauren English <[english@freybuck.com](mailto:english@freybuck.com)>; Ted Buck <[tbuck@freybuck.com](mailto:tbuck@freybuck.com)>; Mark Conrad <[mconrad@freybuck.com](mailto:mconrad@freybuck.com)>; Amber Holmes <[aholmes@freybuck.com](mailto:aholmes@freybuck.com)>  
**Cc:** Perez, David A. (Perkins Coie) <[DPerez@perkinscoie.com](mailto:DPerez@perkinscoie.com)>; Mertens, Matthew (Perkins Coie) <[MMertens@perkinscoie.com](mailto:MMertens@perkinscoie.com)>  
**Subject:** RE: Hadnagy v. Def Con || Service of third-party deposition subpoenas

Counsel,

Please find attached for your records the deposition subpoena that we served on [REDACTED] today. Ms. [REDACTED] agreed to accept service by email and may be contacted through counsel.

Thank you,

**Lauren Trambley** | ASSOCIATE | **Perkins Coie**

505 Howard Street Suite 1000  
San Francisco, CA 94105-3204  
+1.415.344.7140  
[ltrambley@perkinscoie.com](mailto:ltrambley@perkinscoie.com)

---

**From:** Trambley, Lauren (SFO) <[LTrambley@perkinscoie.com](mailto:LTrambley@perkinscoie.com)>  
**Sent:** Thursday, September 12, 2024 12:51 PM  
**To:** Lauren English <[english@freybuck.com](mailto:english@freybuck.com)>; Ted Buck <[tbuck@freybuck.com](mailto:tbuck@freybuck.com)>; Mark Conrad <[mconrad@freybuck.com](mailto:mconrad@freybuck.com)>; Amber Holmes <[aholmes@freybuck.com](mailto:aholmes@freybuck.com)>  
**Cc:** Perez, David A. (SEA) <[DPerez@perkinscoie.com](mailto:DPerez@perkinscoie.com)>; Mertens, Matthew (POR) <[MMertens@perkinscoie.com](mailto:MMertens@perkinscoie.com)>  
**Subject:** RE: Hadnagy v. Def Con || Service of third-party deposition subpoenas

Counsel,

Please find attached for your records the deposition subpoena that we served on [REDACTED] today. Ms. [REDACTED] agreed to accept service by email.

Thank you,

**Lauren Trambley** | ASSOCIATE | **Perkins Coie**

505 Howard Street Suite 1000  
San Francisco, CA 94105-3204  
+1.415.344.7140  
[ltrambley@perkinscoie.com](mailto:ltrambley@perkinscoie.com)

---

**From:** Mertens, Matthew (POR) <[MMertens@perkinscoie.com](mailto:MMertens@perkinscoie.com)>  
**Sent:** Friday, August 30, 2024 6:40 PM  
**To:** Lauren English <[lenglish@freybuck.com](mailto:lenglish@freybuck.com)>; Ted Buck <[tbuck@freybuck.com](mailto:tbuck@freybuck.com)>; Mark Conrad <[mconrad@freybuck.com](mailto:mconrad@freybuck.com)>; Amber Holmes <[aholmes@freybuck.com](mailto:aholmes@freybuck.com)>  
**Cc:** Perez, David A. (SEA) <[DPerez@perkinscoie.com](mailto:DPerez@perkinscoie.com)>; Trambley, Lauren (SFO) <[LTrambley@perkinscoie.com](mailto:LTrambley@perkinscoie.com)>  
**Subject:** RE: Hadnagy v. Def Con || Service of third-party deposition subpoenas

Mark and Lauren—

Please find attached for your records the deposition subpoena that we served on [REDACTED] today. Ms. [REDACTED] agreed to accept service by email.

Thank you,

**Matt Mertens**  
PARTNER

**Perkins Coie**

1120 N.W. Couch Street Tenth Floor  
Portland, OR 97209-4128  
+1.503.727.2199  
[mmertens@perkinscoie.com](mailto:mmertens@perkinscoie.com)  
[perkinscoie.com](http://perkinscoie.com)

---

**From:** Mertens, Matthew (POR) <[MMertens@perkinscoie.com](mailto:MMertens@perkinscoie.com)>  
**Sent:** Friday, August 30, 2024 12:07 PM  
**To:** Lauren English <[lenglish@freybuck.com](mailto:lenglish@freybuck.com)>; Ted Buck <[tbuck@freybuck.com](mailto:tbuck@freybuck.com)>; Mark Conrad <[mconrad@freybuck.com](mailto:mconrad@freybuck.com)>; Amber Holmes <[aholmes@freybuck.com](mailto:aholmes@freybuck.com)>  
**Cc:** Perez, David A. (SEA) <[DPerez@perkinscoie.com](mailto:DPerez@perkinscoie.com)>; Trambley, Lauren (SFO) <[LTrambley@perkinscoie.com](mailto:LTrambley@perkinscoie.com)>  
**Subject:** Hadnagy v. Def Con || Service of third-party deposition subpoenas

Mark and Lauren—

Please find attached for your records deposition subpoenas that we have served on [REDACTED] [REDACTED] and [REDACTED]. Ms. [REDACTED] and Ms. [REDACTED] agreed to accept service by email.

We will respond separately to Lauren's August 23, 2024, email regarding Plaintiffs' LCR 37 requests in the near future.

Thank you,

**Matt Mertens**  
**PARTNER**

**Perkins Coie**

1120 N.W. Couch Street Tenth Floor  
Portland, OR 97209-4128  
[+1.503.727.2199](tel:+15037272199)  
[mmertens@perkinscoie.com](mailto:mmertens@perkinscoie.com)  
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